
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-0883.4/07 4th draft

ATTY/TYPIST: AI:seg

BRIEF DESCRIPTION:

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BRIEF DESCRIPTION:

SB 5063 - S AMD

By Senators Kohl-Welles, Clements

ADOPTED 02/16/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to make
4 technical changes throughout chapters 41.08, 41.12, 41.16, and 41.18
5 RCW with regard to gender-specific terminology. The legislature finds
6 that gender-neutral terms must be used in accordance with RCW
7 44.04.210. This act is technical in nature and no substantive legal
8 changes are intended or implied.

9 **Sec. 2.** RCW 41.08.020 and 1935 c 31 s 2 are each amended to read
10 as follows:

11 If any of the cities or towns referred to in RCW 41.08.010 shall at
12 any time repeal the charter provisions or other local acts of said
13 cities or towns providing for civil service for ((firemen))
14 firefighters as referred to in RCW 41.08.010, in that event this
15 chapter shall apply to all of such cities and towns which have at any
16 time abolished civil service for members of the fire department.

17 **Sec. 3.** RCW 41.08.030 and 1935 c 31 s 3 are each amended to read
18 as follows:

19 There is hereby created in every city, town or municipality except
20 those referred to in RCW 41.08.010, having a full paid fire department
21 a civil service commission which shall be composed of three persons.

22 The members of such commission shall be appointed by the person or
23 group of persons who, acting singly or in conjunction, as a mayor, city
24 manager, council, common council, commission, or otherwise, is or are
25 vested by law with power and authority to select, appoint, or employ
26 the chief of a fire department in any such city, prior to the enactment
27 of this chapter. The members of such commission shall serve without
28 compensation. No person shall be appointed a member of such commission

1 who is not a citizen of the United States, a resident of such city for
2 at least three years immediately preceding such appointment, and an
3 elector of the county wherein he or she resides. The term of office of
4 such commissioners shall be for six years, except that the first three
5 members of such commission shall be appointed for different terms, as
6 follows: One to serve for a period of two years, one to serve for a
7 period of four years, and one to serve for a period of six years. Any
8 member of such commission may be removed from office for incompetency,
9 incompatibility or dereliction of duty, or malfeasance in office, or
10 other good cause: PROVIDED, HOWEVER, That no member of the commission
11 shall be removed until charges have been preferred, in writing, due
12 notice and a full hearing had. The members of such commission shall
13 devote due time and attention to the performance of the duties
14 hereinafter specified and imposed upon them by this chapter. Two
15 members of such commission shall constitute a quorum and the votes of
16 any two members of such commission concurring shall be sufficient for
17 the decision of all matters and the transaction of all business to be
18 decided or transacted by the commission under or by virtue of the
19 provisions of this chapter. Confirmation of said appointment or
20 appointments of commissioners by any legislative body shall not be
21 required. At the time of any appointment not more than two
22 commissioners shall be adherents of the same political party.

23 **Sec. 4.** RCW 41.08.075 and 1972 ex.s. c 37 s 4 are each amended to
24 read as follows:

25 No city, town, or municipality shall require any person applying
26 for or holding an office, place, position, or employment under the
27 provisions of this chapter or under any local charter or other
28 regulations described in RCW 41.08.010 to reside within the limits of
29 such municipal corporation as a condition of employment, or to
30 discriminate in any manner against any such person because of his or
31 her residence outside of the limits of such city, town, or
32 municipality.

33 **Sec. 5.** RCW 41.08.080 and 1935 c 31 s 8 are each amended to read
34 as follows:

35 The tenure of every one holding an office, place, position or
36 employment under the provisions of this chapter shall be only during

1 good behavior, and any such person may be removed or discharged,
2 suspended without pay, demoted, or reduced in rank, or deprived of
3 vacation privileges or other special privileges for any of the
4 following reasons:

5 (1) Incompetency, inefficiency or inattention to or dereliction of
6 duty;

7 (2) Dishonesty, intemperance, immoral conduct, insubordination,
8 discourteous treatment of the public, or a fellow employee, or any
9 other act of omission or commission tending to injure the public
10 service; or any other willful failure on the part of the employee to
11 properly conduct himself or herself; or any willful violation of the
12 provisions of this chapter or the rules and regulations to be adopted
13 hereunder;

14 (3) Mental or physical unfitness for the position which the
15 employee holds;

16 (4) Dishonest, disgraceful, immoral or prejudicial conduct;

17 (5) Drunkenness or use of intoxicating liquors, narcotics, or any
18 other habit forming drug, liquid or preparation to such extent that the
19 use thereof interferes with the efficiency or mental or physical
20 fitness of the employee, or which precludes the employee from properly
21 performing the functions and duties of any position under civil
22 service;

23 (6) Conviction of a felony, or a misdemeanor, involving moral
24 turpitude;

25 (7) Any other act or failure to act which in the judgment of the
26 civil service commissioners is sufficient to show the offender to be an
27 unsuitable and unfit person to be employed in the public service.

28 **Sec. 6.** RCW 41.08.090 and 1935 c 31 s 9 are each amended to read
29 as follows:

30 No person in the classified civil service who shall have been
31 permanently appointed or inducted into civil service under provisions
32 of this chapter, shall be removed, suspended, demoted or discharged
33 except for cause, and only upon the written accusation of the
34 appointing power, or any citizen or taxpayer, a written statement of
35 which accusation, in general terms, shall be served upon the accused,
36 and a duplicate filed with the commission. Any person so removed,
37 suspended, demoted or discharged may within ten days from the time of

1 his or her removal, suspension, demotion or discharge, file with the
2 commission a written demand for an investigation, whereupon the
3 commission shall conduct such investigation. The investigation shall
4 be confined to the determination of the question of whether such
5 removal, suspension, demotion or discharge was or was not made for
6 political or religious reasons and was or was not made in good faith
7 (~~(+for)~~) for cause. After such investigation the commission may
8 affirm the removal, or if it shall find that the removal, suspension,
9 or demotion was made for political or religious reasons, or was not
10 made in good faith for cause, shall order the immediate reinstatement
11 or reemployment of such person in the office, place, position or
12 employment from which such person was removed, suspended, demoted or
13 discharged, which reinstatement shall, if the commission so provides in
14 its discretion, be retroactive, and entitle such person to pay or
15 compensation from the time of such removal, suspension, demotion or
16 discharge. The commission upon such investigation, in lieu of
17 affirming the removal, suspension, demotion or discharge may modify the
18 order of removal, suspension, demotion or discharge by directing a
19 suspension, without pay, for a given period, and subsequent restoration
20 to duty, or demotion in classification, grade, or pay; the findings of
21 the commission shall be certified, in writing to the appointing power,
22 and shall be forthwith enforced by such officer.

23 All investigations made by the commission pursuant to the
24 provisions of this section shall be by public hearing, after reasonable
25 notice to the accused of the time and place of such hearing, at which
26 hearing the accused shall be afforded an opportunity of appearing in
27 person and by counsel, and presenting his or her defense. If such
28 judgment or order be concurred in by the commission or a majority
29 thereof, the accused may appeal therefrom to the court of original and
30 unlimited jurisdiction in civil suits of the county wherein he or she
31 resides. Such appeal shall be taken by serving the commission, within
32 thirty days after the entry of such judgment or order, a written notice
33 of appeal, stating the grounds thereof, and demanding that a certified
34 transcript of the record and of all papers on file in the office of the
35 commission affecting or relating to such judgment or order, be filed by
36 the commission with such court. The commission shall, within ten days
37 after the filing of such notice, make, certify and file such transcript
38 with such court. The court of original and unlimited jurisdiction in

1 civil suits shall thereupon proceed to hear and determine such appeal
2 in a summary manner: PROVIDED, HOWEVER, That such hearing shall be
3 confined to the determination of whether the judgment or order of
4 removal, discharge, demotion or suspension made by the commission, was
5 or was not made in good faith for cause, and no appeal to such court
6 shall be taken except upon such ground or grounds.

7 **Sec. 7.** RCW 41.08.100 and 1935 c 31 s 11 are each amended to read
8 as follows:

9 Whenever a position in the classified service becomes vacant, the
10 appointing power, if it desires to fill the vacancy, shall make
11 requisition upon the commission for the name and address of a person
12 eligible for appointment thereto. The commission shall certify the
13 name of the person highest on the eligible list for the class to which
14 the vacant position has been allocated, who is willing to accept
15 employment. If there is no appropriate eligible list for the class,
16 the commission shall certify the name of the person standing highest on
17 said list held appropriate for such class. If more than one vacancy is
18 to be filled an additional name shall be certified for each additional
19 vacancy. The appointing power shall forthwith appoint such person to
20 such vacant position.

21 Whenever requisition is to be made, or whenever a position is held
22 by a temporary appointee and an eligible list for the class of such
23 position exists, the commission shall forthwith certify the name of the
24 person eligible for appointment to the appointing power, and said
25 appointing power shall forthwith appoint the person so certified to
26 said position. No person so certified shall be laid off, suspended, or
27 given leave of absence from duty, transferred or reduced in pay or
28 grade, except for reasons which will promote the good of the service,
29 specified in writing, and after an opportunity to be heard by the
30 commission and then only with its consent and approval.

31 To enable the appointing power to exercise a choice in the filling
32 of positions, no appointment, employment or promotion in any position
33 in the classified service shall be deemed complete until after the
34 expiration of a period of three to six months' probationary service, as
35 may be provided in the rules of the civil service commission during
36 which the appointing power may terminate the employment of the person
37 certified to him or her, or it, if during the performance test thus

1 afforded, upon observation or consideration of the performance of duty,
2 the appointing power deems him or her unfit or unsatisfactory for
3 service in the department. Whereupon the appointing power shall
4 designate the person certified as standing next highest on any such
5 list and such person shall likewise enter upon said duties until some
6 person is found who is deemed fit for appointment, employment or
7 promotion for the probationary period provided therefor, whereupon the
8 appointment, employment or promotion shall be deemed to be complete.

9 **Sec. 8.** RCW 41.08.150 and 1935 c 31 s 16 are each amended to read
10 as follows:

11 No commissioner or any other person((~~7~~)) shall, by himself or
12 herself, or in cooperation with one or more persons, defeat, deceive,
13 or obstruct any person in respect of his or her right of examination or
14 registration according to the rules and regulations of this chapter, or
15 falsely mark, grade, estimate or report upon the examination or proper
16 standing of any person examined, registered or certified pursuant to
17 the provisions of this chapter, or aid in so doing, or make any false
18 representation concerning the same, or concerning the person examined,
19 or furnish any person any special or secret information for the purpose
20 of improving or injuring the prospects or chances of any person so
21 examined, registered or certified, or to be examined, registered or
22 certified or persuade any other person, or permit or aid in any manner
23 any other person to personate him or her, in connection with any
24 examination or registration or application or request to be examined or
25 registered.

26 **Sec. 9.** RCW 41.08.220 and 1935 c 31 s 24 are each amended to read
27 as follows:

28 As used in this chapter, the following mentioned terms shall have
29 the following described meanings:

30 The term "commission" means the civil service commission herein
31 created, and the term "commissioner" means any one of the three
32 commissioners of that commission.

33 The term "appointing power" includes every person or group of
34 persons who, acting singly or in conjunction, as a mayor, city manager,
35 council, common council, commission, or otherwise, is or are, vested by

1 law with power and authority to select, appoint, or employ any person
2 to hold any office, place, position or employment subject to civil
3 service.

4 The term "appointment" includes all means of selection, appointing
5 or employing any person to hold any office, place, position or
6 employment subject to civil service.

7 The term "city" includes all cities, towns and municipalities
8 having a full paid fire department.

9 The term "full paid fire department" means that the officers and
10 (~~firemen~~) firefighters employed in such are paid regularly by the
11 city and devote their whole time to firefighting.

12 **Sec. 10.** RCW 41.12.020 and 1937 c 13 s 2 are each amended to read
13 as follows:

14 If any of the cities or towns referred to in RCW 41.12.010 shall at
15 any time repeal the charter provisions or other local acts of said
16 cities or towns providing for civil service for (~~police~~) police
17 officers as referred to in RCW 41.12.010, in that event this chapter
18 shall apply to all of such cities and towns which have at any time
19 abolished civil service for members of the police department.

20 **Sec. 11.** RCW 41.12.030 and 1937 c 13 s 3 are each amended to read
21 as follows:

22 There is hereby created in every city, town or municipality except
23 those referred to in RCW 41.12.010, having fully paid (~~police~~)
24 police officers a civil service commission which shall be composed of
25 three persons.

26 The members of such commission shall be appointed by the person or
27 group of persons who, acting singly or in conjunction, as a mayor, city
28 manager, council, common council, commission, or otherwise, is or are
29 vested by law with the power and authority to select, appoint, or
30 employ the chief of a police department in any such city, prior to the
31 enactment of this chapter. The members of such commission shall serve
32 without compensation. No person shall be appointed a member of such
33 commission who is not a citizen of the United States, a resident of
34 such city for at least three years immediately preceding such
35 appointment, and an elector of the county wherein he or she resides.
36 The term of office of such commissioners shall be for six years, except

1 that the first three members of such commission shall be appointed for
2 different terms, as follows: One to serve for a period of two years,
3 one to serve for a period of four years, and one to serve for a period
4 of six years. Any member of such commission may be removed from office
5 for incompetency, incompatibility or dereliction of duty, or
6 malfeasance in office, or other good cause: PROVIDED, HOWEVER, That no
7 member of the commission shall be removed until charges have been
8 preferred, in writing, due notice and a full hearing had. The members
9 of such commission shall devote due time and attention to the
10 performance of the duties hereinafter specified and imposed upon them
11 by this chapter. Two members of such commission shall constitute a
12 quorum and the votes of any two members of such commission concurring
13 shall be sufficient for the decision of all matters and the transaction
14 of all business to be decided or transacted by the commission under or
15 by virtue of the provisions of this chapter. Confirmation of said
16 appointment or appointments of commissioners by any legislative body
17 shall not be required. At the time of any appointment not more than
18 two commissioners shall be adherents of the same political party.

19 **Sec. 12.** RCW 41.12.075 and 1972 ex.s. c 37 s 5 are each amended to
20 read as follows:

21 No city, town, or municipality shall require any person applying
22 for or holding an office, place, position, or employment under the
23 provisions of this chapter or under any local charter or other
24 regulations described in RCW 41.12.010 to reside within the limits of
25 such municipal corporation as a condition of employment or to
26 discriminate in any manner against any such person because of his or
27 her residence outside of the limits of such city, town, or
28 municipality.

29 **Sec. 13.** RCW 41.12.080 and 1937 c 13 s 8 are each amended to read
30 as follows:

31 The tenure of everyone holding an office, place, position or
32 employment under the provisions of this chapter shall be only during
33 good behavior, and any such person may be removed or discharged,
34 suspended without pay, demoted, or reduced in rank, or deprived of
35 vacation privileges or other special privileges for any of the
36 following reasons:

1 (1) Incompetency, inefficiency or inattention to or dereliction of
2 duty;

3 (2) Dishonesty, intemperance, immoral conduct, insubordination,
4 discourteous treatment of the public, or a fellow employee, or any
5 other act of omission or commission tending to injure the public
6 service; or any other willful failure on the part of the employee to
7 properly conduct himself or herself; or any willful violation of the
8 provisions of this chapter or the rules and regulation to be adopted
9 hereunder;

10 (3) Mental or physical unfitness for the position which the
11 employee holds;

12 (4) Dishonest, disgraceful, immoral or prejudicial conduct;

13 (5) Drunkenness or use of intoxicating liquors, narcotics, or any
14 other habit forming drug, liquid or preparation to such extent that the
15 use thereof interferes with the efficiency or mental or physical
16 fitness of the employee, or which precludes the employee from properly
17 performing the function and duties of any position under civil service;

18 (6) Conviction of a felony, or a misdemeanor, involving moral
19 turpitude;

20 (7) Any other act or failure to act which in the judgment of the
21 civil service commissioners is sufficient to show the offender to be an
22 unsuitable and unfit person to be employed in the public service.

23 **Sec. 14.** RCW 41.12.090 and 1937 c 13 s 9 are each amended to read
24 as follows:

25 No person in the classified civil service who shall have been
26 permanently appointed or inducted into civil service under provisions
27 of this chapter, shall be removed, suspended, demoted or discharged
28 except for cause, and only upon written accusation of the appointing
29 power, or any citizen or taxpayer; a written statement of which
30 accusation, in general terms, shall be served upon the accused, and a
31 duplicate filed with the commission. Any person so removed, suspended,
32 demoted or discharged may within ten days from the time of his or her
33 removal, suspension, demotion or discharge, file with the commission a
34 written demand for an investigation, whereupon the commission shall
35 conduct such investigation. The investigation shall be confined to the
36 determination of the question of whether such removal, suspension,
37 demotion or discharge was or was not made for political or religious

1 reasons and was or was not made in good faith (~~(f)or~~) for cause.
2 After such investigation the commission may affirm the removal, or if
3 it shall find that the removal, suspension, or demotion was made for
4 political or religious reasons, or was not made in good faith for
5 cause, shall order the immediate reinstatement (~~(of—[or])~~) or
6 reemployment of such person in the office, place, position or
7 employment from which such person was removed, suspended, demoted or
8 discharged, which reinstatement shall, if the commission so provides in
9 its discretion, be retroactive, and entitle such person to pay or
10 compensation from the time of such removal, suspension, demotion or
11 discharge. The commission upon such investigation, (~~(in)~~) in lieu of
12 affirming the removal, suspension, demotion or discharge may modify the
13 order of removal, suspension, demotion or discharge by directing a
14 suspension, without pay, for a given period, and subsequent restoration
15 to duty, or demotion in classification, grade, or pay; the findings of
16 the commission shall be certified, in writing to the appointing power,
17 and shall be forthwith enforced by such officer.

18 All investigations made by the commission pursuant to the
19 provisions of this section shall be had by public hearing, after
20 reasonable notice to the accused of the time and place of such hearing,
21 at which hearing the accused shall be afforded an opportunity of
22 appearing in person and by counsel, and presenting his or her defense.
23 If such judgment or order be concurred in by the commission or a
24 majority thereof, the accused may appeal therefrom to the court of
25 original and unlimited jurisdiction in civil suits of the county
26 wherein he or she resides. Such appeal shall be taken by serving the
27 commission, within thirty days after the entry of such judgment or
28 order, a written notice of appeal, stating the grounds thereof, and
29 demanding that a certified transcript of the record and of all papers
30 on file in the office of the commission affecting or relating to such
31 judgment or order, be filed by the commission with such court. The
32 commission shall, within ten days after the filing of such notice,
33 make, certify and file such transcript with such court. The court of
34 original and unlimited jurisdiction in civil suits shall thereupon
35 proceed to hear and determine such appeal in a summary manner:
36 PROVIDED, HOWEVER, That such hearing shall be confined to the
37 determination of whether the judgment or order of removal, discharge,

1 demotion or suspension made by the commission, was or was not made in
2 good faith for cause, and no appeal to such court shall be taken except
3 upon such ground or grounds.

4 **Sec. 15.** RCW 41.12.100 and 1937 c 13 s 11 are each amended to read
5 as follows:

6 Whenever a position in the classified service becomes vacant, the
7 appointing power, if it desires to fill the vacancy, shall make
8 requisition upon the commission for the name and address of a person
9 eligible for appointment thereto. The commission shall certify the
10 name of the person highest on the eligible list for the class to which
11 the vacant position has been allocated, who is willing to accept
12 employment. If there is no appropriate eligible list for the class,
13 the commission shall certify the name of the person standing highest on
14 said list held appropriate for such class. If more than one vacancy is
15 to be filled an additional name shall be certified for each additional
16 vacancy. The appointing power shall forthwith appoint such person to
17 such vacant position.

18 Whenever requisition is to be made, or whenever a position is held
19 by a temporary appointee and an eligible list for the class of such
20 position exists, the commission shall forthwith certify the name of the
21 person eligible for appointment to the appointing power, and said
22 appointing power shall forthwith appoint the person so certified to
23 said position. No person so certified shall be laid off, suspended, or
24 given leave of absence from duty, transferred or reduced in pay or
25 grade, except for reasons which will promote the good of the service,
26 specified in writing, and after an opportunity to be heard by the
27 commission and then only with its consent and approval.

28 To enable the appointing power to exercise a choice in the filling
29 of positions, no appointment, employment or promotion in any position
30 in the classified service shall be deemed complete until after the
31 expiration of a period of three to six months' probationary service, as
32 may be provided in the rules of the civil service commission during
33 which the appointing power may terminate the employment of the person
34 certified to him or her, or it, if during the performance test thus
35 afforded, upon observation or consideration of the performance of duty,
36 the appointing power deems him or her unfit or unsatisfactory for
37 service in the department, whereupon the appointing power shall

1 designate the person certified as standing next highest on any such
2 list and such person shall likewise enter upon said duties until some
3 person is found who is deemed fit for appointment, employment or
4 promotion for the probationary period provided therefor, whereupon the
5 appointment, employment or promotion shall be deemed to be complete.

6 **Sec. 16.** RCW 41.12.150 and 1937 c 13 s 16 are each amended to read
7 as follows:

8 No commissioner or any other person((7)) shall, by himself or
9 herself, or in cooperation with one or more persons, defeat, deceive,
10 or obstruct any person in respect of his or her right of examination or
11 registration according to the rules and regulations of this chapter, or
12 falsely mark, grade, estimate or report upon the examination or proper
13 standing of any person examined, registered or certified pursuant to
14 the provisions of this chapter, or aid in so doing, or make any false
15 representation concerning the same, or concerning the person examined,
16 or furnish any person any special or secret information for the purpose
17 of improving or injuring the prospects or chances of any person so
18 examined, registered or certified, or to be examined, registered or
19 certified or persuade any other person, or permit or aid in any manner
20 any other person to personate him or her, in connection with any
21 examination or registration of application or request to be examined or
22 registered.

23 **Sec. 17.** RCW 41.12.220 and 1937 c 13 s 24 are each amended to read
24 as follows:

25 As used in this chapter, the following mentioned terms shall have
26 the following described meanings:

27 The term "commission" means the civil service commission herein
28 created, and the term "commissioner" means any one of the three
29 commissioners of that commission.

30 The term "appointing power" includes every person or group of
31 persons who, acting singly or in conjunction, as a mayor, city manager,
32 council, common council, commission, or otherwise, is or are, invested
33 by law with power and authority to select, appoint, or employ any
34 person to hold any office, place, position or employment subject to
35 civil service.

1 The term "appointment" includes all means of selection, appointing
2 or employing any person to hold any office, place, position or
3 employment subject to civil service.

4 The term "city" includes all cities, towns and municipalities
5 having a full paid police department.

6 The term "full paid police department" means that the officers and
7 (~~(police)~~) police officers employed in such are paid regularly by
8 the city and devote their whole time to police duty: PROVIDED, "full
9 paid police department" whenever used in this chapter shall also mean
10 "full paid (~~(police)~~) police officers."

11 **Sec. 18.** RCW 41.16.010 and 2003 c 30 s 1 are each amended to read
12 as follows:

13 For the purpose of this chapter, unless clearly indicated by the
14 context, words and phrases shall have the following meaning:

15 (1) "Beneficiary" shall mean any person or persons designated by a
16 (~~(fireman)~~) firefighter in a writing filed with the board, and who
17 shall be entitled to receive any benefits of a deceased (~~(fireman)~~)
18 firefighter under this chapter.

19 (2) "Board" shall mean the municipal (~~(firemen's)~~) firefighters'
20 pension board.

21 (3) "Child or children" shall mean a child or children unmarried
22 and under eighteen years of age.

23 (4) "Contributions" shall mean and include all sums deducted from
24 the salary of (~~(firemen)~~) firefighters and paid into the fund as
25 hereinafter provided.

26 (5) "Disability" shall mean and include injuries or sickness
27 sustained as a result of the performance of duty.

28 (6) (~~("Fireman" or)~~) "Firefighter" shall mean any person regularly
29 or temporarily, or as a substitute, employed and paid as a member of a
30 fire department, who has passed a civil service examination for
31 (~~(fireman)~~) firefighter and who is actively employed as a (~~(fireman)~~)
32 firefighter; and shall include any "prior (~~(fireman)~~) firefighter."

33 (7) "Fire department" shall mean the regularly organized, full
34 time, paid, and employed force of (~~(firemen)~~) firefighters of the
35 municipality.

36 (8) "Fund" shall mean the (~~(firemen's)~~) firefighters' pension fund
37 created herein.

1 (9) "Municipality" shall mean every city and town having a
2 regularly organized full time, paid, fire department employing
3 ((firemen)) firefighters.

4 (10) "Performance of duty" shall mean the performance of work and
5 labor regularly required of ((firemen)) firefighters and shall include
6 services of an emergency nature rendered while off regular duty, but
7 shall not include time spent in traveling to work before answering roll
8 call or traveling from work after dismissal at roll call.

9 (11) "Prior ((fireman)) firefighter" shall mean a ((fireman))
10 firefighter who was actively employed as a ((fireman)) firefighter of
11 a fire department prior to the first day of January, 1947, and who
12 continues such employment thereafter.

13 (12) "Retired ((fireman)) firefighter" shall mean and include a
14 person employed as a ((fireman)) firefighter and retired under the
15 provisions of chapter 50, Laws of 1909, as amended.

16 (13) "Widow or widower" means the surviving wife or husband of a
17 retired ((fireman)) firefighter who was retired on account of length of
18 service and who was lawfully married to such ((fireman)) firefighter;
19 and whenever that term is used with reference to the wife or former
20 wife or husband or former husband of a retired ((fireman)) firefighter
21 who was retired because of disability, it shall mean his or her
22 lawfully married wife or husband on the date he or she sustained the
23 injury or contracted the illness that resulted in his or her
24 disability. Said term shall not mean or include a surviving wife or
25 husband who by process of law within one year prior to the retired
26 ((fireman's)) firefighter's death, collected or attempted to collect
27 from him or her funds for the support of herself or himself or for his
28 or her children.

29 **Sec. 19.** RCW 41.16.020 and 2003 c 30 s 2 are each amended to read
30 as follows:

31 There is hereby created in each city and town a municipal
32 ((firemen's)) firefighters' pension board to consist of the following
33 five members, ex officio, the mayor, or in a city of the first class,
34 the mayor or a designated representative who shall be an elected
35 official of the city, who shall be ((chairman)) chairperson of the
36 board, the city comptroller or clerk, the ((chairman)) chairperson of
37 finance of the city council, or if there is no ((chairman)) chairperson

1 of finance, the city treasurer, and in addition, two regularly employed
2 or retired firefighters elected by secret ballot of those employed and
3 retired firefighters who are subject to the jurisdiction of the board.
4 The members to be elected by the firefighters shall be elected annually
5 for a two year term. The two firefighters elected as members shall, in
6 turn, select a third eligible member who shall serve as an alternate in
7 the event of an absence of one of the regularly elected members. In
8 case a vacancy occurs in the membership of the firefighters or retired
9 members, the members shall in the same manner elect a successor to
10 serve the unexpired term. The board may select and appoint a secretary
11 who may, but need not be a member of the board. In case of absence or
12 inability of the ((~~chairman~~)) chairperson to act, the board may select
13 a ((~~chairman~~)) chairperson pro tempore who shall during such absence or
14 inability perform the duties and exercise the powers of the
15 ((~~chairman~~)) chairperson. A majority of the members of the board shall
16 constitute a quorum and have power to transact business.

17 **Sec. 20.** RCW 41.16.030 and 2002 c 15 s 1 are each amended to read
18 as follows:

19 The board shall meet at least once quarterly, the date to be fixed
20 by regulation of the board, at such other regular times as may be fixed
21 by a regulation of the board; and at any time upon call of the
22 ((~~chairman~~)) chairperson, of which due advance notice shall be given
23 the other members of the board.

24 **Sec. 21.** RCW 41.16.040 and 1992 c 89 s 1 are each amended to read
25 as follows:

26 The board shall have such general powers as are vested in it by the
27 provisions of this chapter, and in addition thereto, the power to:

28 (1) Generally supervise and control the administration of this
29 chapter and the ((~~firemen's~~)) firefighters' pension fund created
30 hereby.

31 (2) Pass upon and allow or disallow all applications for pensions
32 or other benefits provided by this chapter.

33 (3) Provide for payment from said fund of necessary expenses of
34 maintenance and administration of said pension system and fund.

35 (4) Invest the moneys of the fund in a manner consistent with the
36 investment policies outlined in RCW 35.39.060. Authorized investments

1 shall include investment grade securities issued by the United States,
2 state, municipal corporations, other public bodies, corporate bonds,
3 and other investments authorized by RCW 35.39.030, 35.58.510,
4 35.81.070, 35.82.070, 36.29.020, 39.58.020, 39.58.080, 39.58.130,
5 39.60.010, 39.60.020, 68.52.060, 68.52.065, and 72.19.120.

6 (5) Employ such agents, employees and other personnel as the board
7 may deem necessary for the proper administration of this chapter.

8 (6) Compel witnesses to appear and testify before it, in the same
9 manner as is or may be provided by law for the taking of depositions in
10 the superior court. Any member of the board may administer oaths to
11 witnesses who testify before the board of a nature and in a similar
12 manner to oaths administered by superior courts of the state of
13 Washington.

14 (7) Issue vouchers approved by the (~~chairman~~) chairperson and
15 secretary and to cause warrants therefor to be issued and paid from
16 said fund for the payment of claims allowed by it.

17 (8) Keep a record of all its proceedings, which record shall be
18 public; and prepare and file with the city treasurer and city clerk or
19 comptroller prior to the date when any payments are to be made from the
20 fund, a list of all persons entitled to payment from the fund, stating
21 the amount and purpose of such payment, said list to be certified to
22 and signed by the (~~chairman~~) chairperson and secretary of the board
23 and attested under oath.

24 (9) Make rules and regulations not inconsistent with this chapter
25 for the purpose of carrying out and effecting the same.

26 (10) Appoint one or more duly licensed and practicing physicians
27 who shall examine and report to the board upon all applications for
28 relief and pension under this chapter. Such physicians shall visit and
29 examine all sick firefighters and (~~disabled firemen~~) firefighters who
30 are disabled when, in their judgment, the best interests of the relief
31 and pension fund require it or when ordered by the board. They shall
32 perform all operations on such sick and injured (~~firemen~~)
33 firefighters and render all medical aid and care necessary for the
34 recovery of such (~~firemen~~) firefighters on account of sickness or
35 disability received while in the performance of duty as defined in this
36 chapter. Such physicians shall be paid from said fund, the amount of
37 said fees or salary to be set and agreed upon by the board and the
38 physicians. No physician not regularly appointed or specially

1 appointed and employed, as hereinafter provided, shall receive or be
2 entitled to any fees or compensation from said fund as attending
3 physician to a sick or injured (~~(fireman)~~) firefighter. If any sick or
4 injured (~~(fireman)~~) firefighter refuses the services of the appointed
5 physicians, or the specially appointed and employed physician, he or
6 she shall be personally liable for the fees of any other physician
7 employed by him or her. No person shall have a right of action against
8 the board or the municipality for negligence of any physician employed
9 by it. The board shall have the power and authority to select and
10 employ, besides the regularly appointed physician, such other
11 physician, surgeon or specialist for consultation with, or assistance
12 to the regularly appointed physician, or for the purpose of performing
13 operations or rendering services and treatment in particular cases, as
14 it shall deem advisable, and to pay fees for such services from said
15 fund. Said board shall hear and decide all applications for such
16 relief or pensions under this chapter, and its decisions on such
17 applications shall be final and conclusive and not subject to revision
18 or reversal except by the board.

19 **Sec. 22.** RCW 41.16.050 and 1999 c 117 s 3 are each amended to read
20 as follows:

21 There is hereby created and established in the treasury of each
22 municipality a fund which shall be known and designated as the
23 (~~(firemen's)~~) firefighters' pension fund, which shall consist of: (1)
24 All bequests, fees, gifts, emoluments, or donations given or paid
25 thereto; (2) twenty-five percent of all moneys received by the state
26 from taxes on fire insurance premiums; (3) taxes paid pursuant to the
27 provisions of RCW 41.16.060; (4) interest on the investments of the
28 fund; and (5) contributions by firefighters as provided for herein.
29 The moneys received from the tax on fire insurance premiums under the
30 provisions of this chapter shall be distributed in the proportion that
31 the number of paid firefighters in the city, town, or fire protection
32 district bears to the total number of paid firefighters throughout the
33 state to be ascertained in the following manner: The secretary of the
34 (~~(firemen's)~~) firefighters' pension board of each city, town, and fire
35 protection district now or hereafter coming under the provisions of
36 this chapter shall within thirty days after June 7, 1961, and on or
37 before the fifteenth day of January thereafter, certify to the state

1 treasurer the number of paid firefighters in the fire department in
 2 such city, town, or fire protection district. For any city or town
 3 annexed by a fire protection district at any time before, on, or after
 4 June 9, 1994, the city or town shall continue to certify to the state
 5 treasurer the number of paid firefighters in the city or town fire
 6 department immediately before annexation until all obligations against
 7 the ((firemen's)) firefighters' pension fund in the city or town have
 8 been satisfied. For the purposes of the calculation in this section,
 9 the state treasurer shall subtract the number certified by the annexed
 10 city or town from the number of paid firefighters certified by an
 11 annexing fire protection district. The state treasurer shall on or
 12 before the first day of June of each year deliver to the treasurer of
 13 each city, town, and fire protection district coming under the
 14 provisions of this chapter his or her warrant, payable to each city,
 15 town, or fire protection district for the amount due such city, town or
 16 fire protection district ascertained as herein provided and the
 17 treasurer of each such city, town, or fire protection district shall
 18 place the amount thereof to the credit of the ((firemen's))
 19 firefighters' pension fund of such city, town, or fire protection
 20 district.

21 **Sec. 23.** RCW 41.16.070 and 1947 c 91 s 7 are each amended to read
 22 as follows:

23 (1) Every ((fireman)) firefighter employed on and after January 1,
 24 1947, shall contribute to the fund and there shall be deducted from his
 25 or her pay and placed in the fund an amount in accordance with the
 26 following table:

27		((Fireman))	
28		<u>Firefighter</u> whose	
29		age at last birthday	Contributions and
30		at time of entry	deductions from
31		of service was:	salary
32		21 and under	5.00%
33		22	5.24%
34		23	5.50%
35		24	5.77%

1	25	.....	6.07%
2	26	.....	6.38%
3	27	.....	6.72%
4	28	.....	7.09%
5	29	.....	7.49%
6	30	and over.....	7.92%

7 (2) Every ((~~fireman~~)) firefighter employed prior to January 1,
8 1947, and continuing active employment shall contribute to the fund and
9 there shall be deducted from his or her salary and placed in the fund,
10 five percent of his or her salary.

11 (3) Every ((~~fireman~~)) firefighter actively employed and eligible
12 for retirement and not retired shall contribute to the fund and there
13 shall be deducted from his or her salary and placed in the fund, four
14 percent of his or her salary.

15 **Sec. 24.** RCW 41.16.080 and 1959 c 5 s 2 are each amended to read
16 as follows:

17 Any ((~~fireman~~)) firefighter employed in a fire department on and
18 before the first day of January, 1947, hereinafter in this section and
19 RCW 41.16.090 to 41.16.190 inclusive, referred to as ((~~"fireman",~~))
20 "firefighter," and who shall have served twenty-five or more years and
21 having attained the age of fifty-five years, as a member of the fire
22 department, shall be eligible for retirement and shall be retired by
23 the board upon his or her written request. Upon his or her retirement
24 any ((~~fireman~~)) firefighter shall be paid a pension based upon the
25 average monthly salary drawn for the five calendar years before
26 retirement, the number of years of his or her service and a percentage
27 factor based upon his or her age on entering service, as follows:

28	Entrance age at	Salary
29	last birthday	percentage factor
30	20 and under.....	1.50%
31	21	1.55%
32	22	1.60%
33	23	1.65%
34	24	1.70%

1	25	.....	1.75%
2	26	.....	1.80%
3	27	.....	1.85%
4	28	.....	1.90%
5	29	.....	1.95%
6	30	and over.....	2.00%

7 Said monthly pension shall be in the amount of his or her average
8 monthly salary for the five calendar years before retirement, times the
9 number of years of service, times the applicable percentage factor.

10 **Sec. 25.** RCW 41.16.100 and 1973 1st ex.s. c 154 s 62 are each
11 amended to read as follows:

12 The widow or widower, child, children or beneficiary of any
13 (~~fireman~~) firefighter retired under this chapter shall receive an
14 amount equal to his or her accumulated contributions to the fund, plus
15 earned interest thereon compounded semiannually: PROVIDED, That there
16 shall be deducted from said sum the amount paid to decedent in pensions
17 and the remainder shall be paid to his or her widow or widower, child,
18 children or beneficiary: PROVIDED FURTHER, That the amount paid shall
19 not be less than one thousand dollars.

20 **Sec. 26.** RCW 41.16.110 and 1959 c 5 s 5 are each amended to read
21 as follows:

22 Whenever any (~~fireman~~) firefighter shall die while eligible to
23 retirement on account of years of service, and shall not have been
24 retired, benefits shall be paid in accordance with RCW 41.16.100.

25 **Sec. 27.** RCW 41.16.120 and 1973 1st ex.s. c 154 s 63 are each
26 amended to read as follows:

27 Whenever any active (~~fireman~~) firefighter or (~~fireman~~)
28 firefighter retired for disability shall die as the result of an
29 accident or other fortuitous event occurring while in the performance
30 of his or her duty, his widow or her widower may elect to accept a
31 monthly pension equal to one-half the deceased (~~fireman's~~)
32 firefighter's salary but in no case in excess of one hundred fifty
33 dollars per month, or the sum of five thousand dollars cash. The right
34 of election must be exercised within sixty days of the (~~fireman's~~)
35 firefighter's death. If not so exercised, the pension benefits shall

1 become fixed and shall be paid from the date of death. Such pension
2 shall cease if, and when, he or she remarries. If there is no widow or
3 widower, then such pension benefits shall be paid to his or her child
4 or children.

5 **Sec. 28.** RCW 41.16.130 and 1959 c 5 s 7 are each amended to read
6 as follows:

7 (1) Any ((~~fireman~~)) firefighter who shall become disabled as a
8 result of the performance of his or her duty or duties as defined in
9 this chapter, may be retired at the expiration of six months from the
10 date of his or her disability, upon his or her written request filed
11 with his or her retirement board. The board may upon such request
12 being filed, consult such medical advice as it sees fit, and may have
13 the applicant examined by such physicians as it deems desirable. If
14 from the reports of such physicians the board finds the applicant
15 capable of performing his or her duties in the fire department, the
16 board may refuse to recommend his or her retirement.

17 (2) If the board deems it for the good of the fire department or
18 the pension fund, it may recommend the applicant's retirement without
19 any request therefor by him or her, after giving him or her a thirty
20 days' notice. Upon his or her retirement he or she shall be paid a
21 monthly disability pension in amount equal to one-half of his or her
22 monthly salary at date of retirement, but which shall not exceed one
23 hundred fifty dollars a month. If he or she recovers from his or her
24 disability he or she shall thereupon be restored to active service,
25 with the same rank he or she held when he or she retired.

26 (3) If the ((~~fireman~~)) firefighter dies during disability and not
27 as a result thereof, RCW 41.16.160 shall apply.

28 **Sec. 29.** RCW 41.16.140 and 1973 1st ex.s. c 154 s 64 are each
29 amended to read as follows:

30 Any ((~~fireman~~)) firefighter who has served more than fifteen years
31 and sustains a disability not in the performance of his or her duty
32 which renders him or her unable to continue his or her service, shall
33 within sixty days exercise his or her choice either to receive his or
34 her contribution to the fund, plus earned interest compounded
35 semiannually, or be retired and paid a monthly pension based on the
36 factor of his or her age shown in RCW 41.16.080, times his or her

1 average monthly salary as a member of the fire department of his or her
2 municipality at the date of his or her retirement, times the number of
3 years of service rendered at the time he or she sustained such
4 disability. If such (~~fireman~~) firefighter shall die leaving
5 surviving him a wife or surviving her a husband, or child or children,
6 then such wife or husband, or if he leaves no wife or she leaves no
7 husband, then his or her child or children shall receive the sum of his
8 or her contributions, plus accumulated compound interest, and such
9 payment shall be reduced in the amount of the payments made to
10 deceased.

11 **Sec. 30.** RCW 41.16.145 and 1975-'76 2nd ex.s. c 44 s 1 are each
12 amended to read as follows:

13 The amount of all benefits payable under the provisions of RCW
14 41.16.080, 41.16.120, 41.16.130, 41.16.140 and 41.16.230 (~~as now or~~
15 ~~hereafter amended,~~) shall be increased annually as hereafter in this
16 section provided. The local pension board shall meet subsequent to
17 March 31st but prior to June 30th of each year for the purposes of
18 adjusting benefit allowances payable pursuant to the aforementioned
19 sections. The local board shall determine the increase in the consumer
20 price index between January 1st and December 31st of the previous year
21 and increase in dollar amount the benefits payable subsequent to July
22 1st of the year in which said board makes such determination by a
23 dollar amount proportionate to the increase in the consumer price
24 index: PROVIDED, That regardless of the change in the consumer price
25 index, such increase shall be at least two percent each year such
26 adjustment is made.

27 Each year effective with the July payment all benefits specified
28 herein, shall be increased by this section. This benefit increase
29 shall be paid monthly as part of the regular pension payment and shall
30 be cumulative. The increased benefits authorized by this section shall
31 not affect any benefit payable under the provisions of chapter 41.16
32 RCW in which the benefit payment is attached to a current salary of the
33 rank held at time of retirement. A beneficiary of benefit increases
34 provided for pursuant to this section is hereby authorized to appeal a
35 decision on such increases or the failure of the local pension board to
36 order such increased benefits or the amount of such benefits to the

1 Washington law enforcement officers' and firefighters' system
2 retirement board provided for in RCW 41.26.050.

3 For the purpose of this section the term

4 "Consumer price index" shall mean, for any calendar year, the
5 consumer price index for the Seattle, Washington area as compiled by
6 the bureau of labor statistics of the United States department of
7 labor.

8 **Sec. 31.** RCW 41.16.150 and 1973 1st ex.s. c 154 s 65 are each
9 amended to read as follows:

10 (1) Any ((fireman)) firefighter who has served twenty years or more
11 and who shall resign or be dismissed, shall have the option of
12 receiving all his or her contributions plus earned interest compounded
13 semiannually, or a monthly pension in the amount of his or her average
14 monthly salary times the number of years of service rendered, times one
15 and one-half percent. Payment of such pension shall commence at the
16 time of severance from the fire department, or at the age of fifty-five
17 years, whichever shall be later. The ((fireman)) firefighter shall
18 have sixty days from the severance date to elect which option he or she
19 will take. In the event he or she fails to exercise his or her right
20 of election then he or she shall receive the amount of his or her
21 contributions plus accrued compounded interest. In the event he or she
22 elects such pension, but dies before attaining the age of fifty-five,
23 his widow or her widower, or if he leaves no widow or she leaves no
24 widower, then his or her child or children shall receive only his or
25 her contribution, plus accrued compounded interest. In the event he or
26 she elects to take a pension and dies after attaining the age of fifty-
27 five, his widow or her widower, or if he leaves no widow or she leaves
28 no widower, then child or children shall receive his or her
29 contributions, plus accrued compounded interest, less the amount of
30 pension payments made to such ((fireman)) firefighter during his or her
31 lifetime.

32 (2) Any ((fireman)) firefighter who shall have served for a period
33 of less than twenty years, and shall resign or be dismissed, shall be
34 paid the amount of his or her contributions, plus accrued compounded
35 interest.

1 **Sec. 32.** RCW 41.16.160 and 1973 1st ex.s. c 154 s 66 are each
2 amended to read as follows:

3 Whenever any ((~~fireman~~)) firefighter, after four years of service,
4 shall die from natural causes, or from an injury not sustained in the
5 performance of his or her duty and for which no pension is provided in
6 this chapter, and who has not been retired on account of disability,
7 his widow or her widower, if he or she was his wife or her husband at
8 the time he or she was stricken with his or her last illness, or at the
9 time he or she received the injuries from which he or she died; or if
10 there is no such widow, then his or her child or children shall be
11 entitled to the amount of his or her contributions, plus accrued
12 compounded interest, or the sum of one thousand dollars, whichever sum
13 shall be the greater. In case of death as above stated, before the end
14 of four years of service, an amount based on the proportion of the time
15 of service to four years shall be paid such beneficiaries.

16 **Sec. 33.** RCW 41.16.170 and 1973 1st ex.s. c 154 s 67 are each
17 amended to read as follows:

18 Whenever a ((~~fireman~~)) firefighter dies leaving no widow or widower
19 or children, the amount of his or her accumulated contributions, plus
20 accrued compounded interest only, shall be paid his or her beneficiary.

21 **Sec. 34.** RCW 41.16.180 and 1959 c 5 s 12 are each amended to read
22 as follows:

23 Upon the death of any active firefighter, ((~~disabled~~)) firefighter
24 who is disabled, or retired ((~~fireman~~)) firefighter, the board shall
25 pay from the fund the sum of two hundred dollars to assist in defraying
26 the funeral expenses of such ((~~fireman~~)) firefighter.

27 **Sec. 35.** RCW 41.16.190 and 1959 c 5 s 13 are each amended to read
28 as follows:

29 No ((~~fireman~~)) firefighter disabled in the performance of duty
30 shall receive a pension until six months has elapsed after such
31 disability was sustained. Therefore, whenever the retirement board,
32 pursuant to examination by the board's physician and such other
33 evidence as it may require, shall find a ((~~fireman~~)) firefighter has
34 been disabled while in the performance of his or her duties, it shall
35 declare him or her inactive. For a period of six months from the time

1 he or she became disabled, he or she shall continue to draw full pay
2 from his or her municipality and in addition thereto he or she shall,
3 at the expense of the municipality, be provided with such medical,
4 hospital and nursing care as the retirement board deems proper. If the
5 board finds at the expiration of six months that the ((fireman))
6 firefighter is unable to return to and perform his or her duties, then
7 he or she shall be retired as herein provided.

8 **Sec. 36.** RCW 41.16.200 and 1947 c 91 s 9 are each amended to read
9 as follows:

10 The board shall require all ((firemen)) firefighters receiving
11 disability pensions to be examined every six months. All such
12 examinations shall be made by physicians duly appointed by the board.
13 If a ((fireman)) firefighter shall fail to submit to such examination
14 within ten days of having been so ordered in writing by said retirement
15 board all pensions or benefits paid to said ((fireman)) firefighter
16 under this chapter, shall immediately cease and the disbursing officer
17 in charge of such payments shall issue no further payments to such
18 ((fireman)) firefighter. If such ((fireman)) firefighter fails to
19 present himself or herself for examination within thirty days after
20 being ordered so to do, he or she shall forfeit all rights under this
21 chapter. If such ((fireman)) firefighter, upon examination as
22 aforesaid, shall be found fit for service, he or she shall be restored
23 to duty in the same rank held at the time of his or her retirement, or
24 if unable to perform the duties of said rank, then, at his or her
25 request, in such other rank, the duties of which he or she is then able
26 to perform. The board shall thereupon so notify the ((fireman))
27 firefighter and shall require him or her to resume his or her duties as
28 a member of the fire department. If, upon being so notified, such
29 member shall fail to report for employment within ten days, he or she
30 shall forfeit all rights to any benefits under this chapter.

31 **Sec. 37.** RCW 41.16.210 and 1947 c 91 s 10 are each amended to read
32 as follows:

33 (1) Funds or assets on hand in the ((firemen's)) firefighters'
34 relief and pension fund of any municipality established under the
35 provisions of chapter 50, Laws of 1909, as amended, after payment of
36 warrants drawn upon and payable therefrom, shall, by the city

1 treasurer, be transferred to and placed in the ((firemen's))
2 firefighters' pension fund created by this chapter; and the
3 ((firemen's)) firefighters' pension fund created by this chapter shall
4 be liable for and there shall be paid therefrom in the order of their
5 issuance any and all unpaid warrants drawn upon said ((firemen's))
6 firefighters' relief and pension fund.

7 (2) Any moneys loaned or advanced by a municipality from the
8 general or any other fund of such municipality to the ((firemen's))
9 firefighters' relief and pension fund created under the provisions of
10 chapter 50, Laws of 1909, as amended, and not repaid shall be an
11 obligation of the ((firemen's)) firefighters' pension fund created
12 under this chapter, and shall at such times and in such amounts as is
13 directed by the board be repaid.

14 **Sec. 38.** RCW 41.16.220 and 1969 ex.s. c 269 s 7 are each amended
15 to read as follows:

16 Any person who was a member of the fire department and within the
17 provisions of chapter 50, Laws of 1909, as amended, at the time he or
18 she entered, and who is a veteran, as defined in RCW 41.04.005, shall
19 have added and accredited to his or her period of employment as a
20 ((fireman)) firefighter as computed under this chapter his or her
21 period of war service in such armed forces upon payment by him or her
22 of his or her contribution for the period of his or her absence, at the
23 rate provided by chapter 50, Laws of 1909, as amended, for other
24 members: PROVIDED, HOWEVER, Such accredited service shall not in any
25 case exceed five years.

26 **Sec. 39.** RCW 41.16.230 and 1973 1st ex.s. c 154 s 68 are each
27 amended to read as follows:

28 Chapter 50, Laws of 1909; chapter 196, Laws of 1919; chapter 86,
29 Laws of 1929, and chapter 39, Laws of 1935 (secs. 9559 to 9578, incl.,
30 Rem. Rev. Stat.; secs. 396-1 to 396-43, incl., PPC) and all other acts
31 or parts of acts in conflict herewith are hereby repealed: PROVIDED,
32 That the repeal of said laws shall not affect any ("~~prior fireman~~",)
33 "prior firefighter," his widow, her widower, child or children, any
34 ((fireman)) firefighter eligible for retirement but not retired, his
35 widow, her widower, child or children, or the rights of any retired
36 ((fireman)) firefighter, his widow, her widower, child or children, to

1 receive payments and benefits from the (~~firemen's~~) firefighters'
2 pension fund created under this chapter, in the amount, and in the
3 manner provided by said laws which are hereby repealed and as if said
4 laws had not been repealed.

5 **Sec. 40.** RCW 41.16.250 and 1963 c 63 s 1 are each amended to read
6 as follows:

7 If all or any portion of a fire protection district is annexed to
8 or incorporated into a city or town, or is succeeded by a metropolitan
9 municipal corporation or county fire department, no full time paid
10 (~~fireman~~) firefighter affected by such annexation, incorporation or
11 succession shall receive a reduction in his or her retirement and job
12 security rights: PROVIDED, That this section shall not apply to any
13 retirement and job security rights authorized under chapter 41.24 RCW.

14 **Sec. 41.** RCW 41.18.010 and 1973 1st ex.s. c 154 s 69 are each
15 amended to read as follows:

16 For the purpose of this chapter, unless clearly indicated otherwise
17 by the context, words and phrases shall have the meaning hereinafter
18 ascribed.

19 (1) "Beneficiary" shall mean any person or persons designated by a
20 (~~fireman~~) firefighter in a writing filed with the board, and who
21 shall be entitled to receive any benefits of a deceased (~~fireman~~)
22 firefighter under this chapter.

23 (2) (~~"Fireman"~~) "Firefighter" means any person hereafter
24 regularly or temporarily, or as a substitute newly employed and paid as
25 a member of a fire department, who has passed a civil service
26 examination for (~~fireman~~) firefighters and who is actively employed
27 as a (~~fireman~~) firefighter or, if provided by the municipality by
28 appropriate local legislation, as a fire dispatcher: PROVIDED, Nothing
29 in this 1969 amendatory act shall impair or permit the impairment of
30 any vested pension rights of persons who are employed as fire
31 dispatchers at the time this 1969 amendatory act takes effect; and any
32 person heretofore regularly or temporarily, or as a substitute,
33 employed and paid as a member of a fire department, and who has
34 contributed under and been covered by the provisions of chapter 41.16
35 RCW as now or hereafter amended and who has come under the provisions

1 of this chapter in accordance with RCW 41.18.170 and who is actively
2 engaged as a ((fireman)) firefighter or as a member of the fire
3 department as a ((fireman)) firefighter or fire dispatcher.

4 (3) "Retired ((fireman)) firefighter" means and includes a person
5 employed as a ((fireman)) firefighter and retired under the provisions
6 of this chapter.

7 (4) "Basic salary" means the basic monthly salary, including
8 longevity pay, attached to the rank held by the retired ((fireman))
9 firefighter at the date of his or her retirement, without regard to
10 extra compensation which such ((fireman)) firefighter may have received
11 for special duties assignments not acquired through civil service
12 examination: PROVIDED, That such basic salary shall not be deemed to
13 exceed the salary of a battalion chief.

14 (5) "Widow or widower" means the surviving spouse of a ((fireman))
15 firefighter and shall include the surviving wife or husband of a
16 ((fireman)) firefighter, retired on account of length of service, who
17 was lawfully married to him or to her for a period of five years prior
18 to the time of his or her retirement; and the surviving wife or husband
19 of a ((fireman)) firefighter, retired on account of disability, who was
20 lawfully married to him or her at and prior to the time he or she
21 sustained the injury or contracted the illness resulting in his or her
22 disability. The word shall not mean the divorced wife or husband of an
23 active or retired ((fireman)) firefighter.

24 (6) "Child" or "children" means a ((fireman's)) firefighter's child
25 or children under the age of eighteen years, unmarried, and in the
26 legal custody of such ((fireman)) firefighter at the time of his death
27 or her death.

28 (7) "Earned interest" means and includes all annual increments to
29 the ((firemen's)) firefighters' pension fund from income earned by
30 investment of the fund. The earned interest payable to any ((fireman))
31 firefighter when he or she leaves the service and accepts his or her
32 contributions, shall be that portion of the total earned income of the
33 fund which is directly attributable to each individual ((fireman's))
34 firefighter's contributions. Earnings of the fund for the preceding
35 year attributable to individual contributions shall be allocated to
36 individual ((firemen's)) firefighters' accounts as of January 1st of
37 each year.

- 1 (8) "Board" shall mean the municipal (~~firemen's~~) firefighters'
2 pension board.
- 3 (9) "Contributions" shall mean and include all sums deducted from
4 the salary of (~~firemen~~) firefighters and paid into the fund as
5 hereinafter provided.
- 6 (10) "Disability" shall mean and include injuries or sickness
7 sustained by a (~~fireman~~) firefighter.
- 8 (11) "Fire department" shall mean the regularly organized, full
9 time, paid, and employed force of (~~firemen~~) firefighters of the
10 municipality.
- 11 (12) "Fund" shall have the same meaning as in RCW 41.16.010 as now
12 or hereafter amended. Such fund shall be created in the manner and be
13 subject to the provisions specified in chapter 41.16 RCW as now or
14 hereafter amended.
- 15 (13) "Municipality" shall mean every city, town and fire protection
16 district having a regularly organized full time, paid, fire department
17 employing (~~firemen~~) firefighters.
- 18 (14) "Performance of duty" shall mean the performance of work or
19 labor regularly required of (~~firemen~~) firefighters and shall include
20 services of an emergency nature normally rendered while off regular
21 duty.

22 **Sec. 42.** RCW 41.18.015 and 1992 c 6 s 1 are each amended to read
23 as follows:

24 There is hereby created in each fire protection district which
25 qualifies under this chapter, a (~~firemen's~~) firefighters' pension
26 board to consist of the following five members, the (~~chairman~~)
27 chairperson of the fire commissioners for said district who shall be
28 (~~chairman~~) chairperson of the board, the county auditor, county
29 treasurer, and in addition, two regularly employed or retired
30 firefighters elected by secret ballot of the employed and retired
31 firefighters. Retired members who are subject to the jurisdiction of
32 the pension board have both the right to elect and the right to be
33 elected under this section. The first members to be elected by the
34 firefighters shall be elected annually for a two-year term. The two
35 firefighter elected members shall, in turn, select a third eligible
36 member who shall serve in the event of an absence of one of the
37 regularly elected members. In case a vacancy occurs in the membership

1 of the firefighter or retired members, the members shall in the same
2 manner elect a successor to serve the unexpired term. The board may
3 select and appoint a secretary who may, but need not be a member of the
4 board. In case of absence or inability of the ((~~chairman~~)) chairperson
5 to act, the board may select a ((~~chairman~~)) chairperson pro tempore who
6 shall during such absence or inability perform the duties and exercise
7 the powers of the ((~~chairman~~)) chairperson. A majority of the members
8 of said board shall constitute a quorum and have power to transact
9 business.

10 **Sec. 43.** RCW 41.18.020 and 1955 c 382 s 2 are each amended to read
11 as follows:

12 The board, in addition to such general and special powers as are
13 vested in it by the provisions of chapter 41.16 RCW, which powers the
14 board shall have with respect to this chapter shall have power to:

15 (1) Generally supervise and control the administration of this
16 chapter;

17 (2) Pass upon and allow or disallow applications for pensions or
18 other benefits provided by this chapter;

19 (3) Provide for payment from the ((~~firemen's~~)) firefighters'
20 pension fund of necessary expenses of maintenance and administration
21 required by the provisions of this chapter;

22 (4) Make rules and regulations not inconsistent with this chapter
23 for the purpose of carrying out and effecting the same;

24 (5) Require the physicians appointed under the provisions of
25 chapter 41.16 RCW, to examine and report to the board upon all
26 applications for relief and pensions under this chapter; and

27 (6) Perform such acts, receive such compensation and enjoy such
28 immunity as provided in RCW 41.16.040.

29 **Sec. 44.** RCW 41.18.030 and 1961 c 255 s 2 are each amended to read
30 as follows:

31 Every ((~~fireman~~)) firefighter to whom this chapter applies shall
32 contribute to the ((~~firemen's~~)) firefighters' pension fund a sum equal
33 to six percent of his or her basic salary which shall be deducted
34 therefrom and placed in the fund.

1 **Sec. 45.** RCW 41.18.040 and 1973 1st ex.s. c 154 s 70 are each
2 amended to read as follows:

3 Whenever any ((~~fireman~~)) firefighter, at the time of taking effect
4 of this act or thereafter, shall have been appointed under civil
5 service rules and have served for a period of twenty-five years or more
6 as a member in any capacity of the regularly constituted fire
7 department of any city, town or fire protection district which may be
8 subject to the provisions of this chapter, and shall have attained the
9 age of fifty years, he or she shall be eligible for retirement and
10 shall be retired by the board upon his or her written request. Upon
11 his or her retirement such ((~~fireman~~)) firefighter shall be paid a
12 monthly pension which shall be equal to fifty percent of the basic
13 salary now or hereafter attached to the same rank and status held by
14 the said ((~~fireman~~)) firefighter at the date of his or her retirement:
15 PROVIDED, That a ((~~fireman~~)) firefighter hereafter retiring who has
16 served as a member for more than twenty-five years, shall have his or
17 her pension payable under this section increased by two percent of the
18 basic salary per year for each full year of such additional service to
19 a maximum of five additional years.

20 Upon the death of any such retired ((~~fireman~~)) firefighter, his or
21 her pension shall be paid to his widow or her widower, at the same
22 monthly rate that the retired ((~~fireman~~)) firefighter would have
23 received had he or she lived, if such widow or widower was his wife or
24 her husband for a period of five years prior to the time of his or her
25 retirement. If there be no widow or widower, then such monthly
26 payments shall be distributed to and divided among his or her children,
27 share and share alike, until they reach the age of eighteen or are
28 married, whichever occurs first.

29 **Sec. 46.** RCW 41.18.045 and 1973 1st ex.s. c 154 s 71 are each
30 amended to read as follows:

31 Upon the death of a ((~~fireman~~)) firefighter who is eligible to
32 retire under RCW 41.18.040 as now or hereafter amended, but who has not
33 retired, a pension shall be paid to his widow or her widower at the
34 same monthly rate that he or she was eligible to receive at the time of
35 his or her death, if such widow or widower was his wife or her husband
36 for a period of five years prior to his or her death. If there be no

1 widow or widower, then such monthly payments shall be distributed to
2 and divided among his or her children, share and share alike, until
3 they reach the age of eighteen or are married, whichever comes first.

4 This section shall apply retroactively for the benefit of all
5 widows or widowers and survivors of ((firemen)) firefighters who died
6 after January 1, 1967, if such ((firemen)) firefighters were otherwise
7 eligible to retire on the date of death.

8 **Sec. 47.** RCW 41.18.050 and 1955 c 382 s 5 are each amended to read
9 as follows:

10 Every ((fireman)) firefighter who shall become disabled as a result
11 of the performance of duty may be retired at the expiration of six
12 months from the date of his or her disability, upon his or her written
13 request filed with his or her retirement board. The board may, upon
14 such request being filed, consult such medical advice as it sees fit,
15 and may have the applicant examined by such physicians as it deems
16 desirable. If from the reports of such physicians the board finds the
17 applicant capable of performing his or her duties in the fire
18 department, the board may refuse to recommend his or her retirement.
19 If, after the expiration of six months from the date of his or her
20 disability, the board deems it for the good of the fire department or
21 the pension fund it may recommend the retirement of a ((fireman))
22 firefighter disabled as a result of the performance of duty without any
23 request for the same by him or her, and after having been given by the
24 board a thirty days' written notice of such recommendation he or she
25 shall be retired.

26 **Sec. 48.** RCW 41.18.060 and 1992 c 22 s 1 are each amended to read
27 as follows:

28 Whenever the retirement board, pursuant to examination by the
29 board's physician and such other evidence as it may require, shall find
30 a firefighter has been disabled while in the performance of his or her
31 duties it shall declare the firefighter inactive. For a period of six
32 months from the time of the disability the firefighter shall draw from
33 the pension fund a disability allowance equal to his or her basic
34 monthly salary and, in addition, shall be provided with medical,
35 hospital and nursing care as long as the disability exists. The board
36 may, at its discretion, elect to reimburse the ((disabled)) firefighter

1 who is disabled for premiums the firefighter has paid for medical
2 insurance that supplements medicare, including premiums the firefighter
3 has paid for medicare part B coverage. If the board finds at the
4 expiration of six months that the firefighter is unable to return to
5 and perform his or her duties, the firefighter shall be retired at a
6 monthly sum equal to fifty percent of the amount of his or her basic
7 salary at any time thereafter attached to the rank which he or she held
8 at the date of retirement: PROVIDED, That where, at the time of
9 retirement hereafter for disability under this section, the firefighter
10 has served honorably for a period of more than twenty-five years as a
11 member, in any capacity of the regularly constituted fire department of
12 a municipality, the firefighter shall have his or her pension payable
13 under this section increased by two percent of his or her basic salary
14 per year for each full year of additional service to a maximum of five
15 additional years.

16 **Sec. 49.** RCW 41.18.080 and 1973 1st ex.s. c 154 s 72 are each
17 amended to read as follows:

18 Any ((~~fireman~~)) firefighter who has completed his or her
19 probationary period and has been permanently appointed, and sustains a
20 disability not in the performance of his or her duty which renders him
21 or her unable to continue his or her service, may request to be retired
22 by filing a written request with his or her retirement board within
23 sixty days from the date of his or her disability. The board may, upon
24 such request being filed, consult such medical advice as it deems fit
25 and proper. If the board finds the ((~~fireman~~)) firefighter capable of
26 performing his or her duties, it may refuse to recommend retirement and
27 order the ((~~fireman~~)) firefighter back to duty. If no request for
28 retirement has been received after the expiration of sixty days from
29 the date of his or her disability, the board may recommend retirement
30 of the ((~~fireman~~)) firefighter. The board shall give the ((~~fireman~~))
31 firefighter a thirty-day written notice of its recommendation, and he
32 or she shall be retired upon expiration of said notice. Upon
33 retirement he or she shall receive a pension equal to fifty percent of
34 his or her basic salary. For a period of ninety days following such
35 disability the ((~~fireman~~)) firefighter shall receive an allowance from
36 the fund equal to his or her basic salary. He or she shall during said
37 ninety days be provided with such medical, hospital, and nursing care

1 as the board deems proper. No funds shall be expended for such
2 disability if the board determines that the ((fireman)) firefighter was
3 gainfully employed or engaged for compensation in other than fire
4 department duty when the disability occurred, or if such disability was
5 the result of dissipation or abuse. Whenever any ((fireman))
6 firefighter shall die as a result of a disability sustained not in the
7 line of duty, his widow or her widower shall receive a monthly pension
8 equal to one-third of his or her basic salary until remarried; if such
9 widow or widower has dependent upon her or him for support a child or
10 children of such deceased ((fireman)) firefighter, he or she shall
11 receive an additional pension as follows: One child, one-eighth of the
12 deceased's basic salary; two children, one-seventh; three or more
13 children, one-sixth. If there be no widow or widower, monthly payments
14 equal to one-third of the deceased ((fireman's)) firefighter's basic
15 salary shall be made to his or her child or children. The widow or
16 widower may elect at any time in writing to receive a cash settlement,
17 and if the board after hearing finds it financially beneficial to the
18 pension fund, he or she may receive the sum of five thousand dollars
19 cash in lieu of all future monthly pension payments, and other
20 benefits, including benefits to any child and/or children.

21 **Sec. 50.** RCW 41.18.090 and 1955 c 382 s 15 are each amended to
22 read as follows:

23 The board shall require all ((firemen)) firefighters receiving
24 disability pensions to be examined every six months: PROVIDED, That no
25 such examinations shall be required if upon certification by physicians
26 the board shall formally enter upon its records a finding of fact that
27 the disability is and will continue to be of such a nature that return
28 to active duty can never reasonably be expected. All examinations
29 shall be made by physicians duly appointed by the board. If a
30 ((fireman)) firefighter shall willfully fail to present himself or
31 herself for examination, within thirty days after being ordered so to
32 do, he or she shall forfeit all rights under this chapter. If such
33 ((fireman)) firefighter, upon examination as aforesaid, shall be found
34 fit for service, he or she shall be restored to duty in the same rank
35 held at the time of his or her retirement, or if unable to perform the
36 duties of said rank then, at his or her request, in such other like or
37 lesser rank as may be or become open and available, the duties of which

1 he or she is then able to perform. The board shall thereupon so notify
2 the ((~~fireman~~)) firefighter and shall require him or her to resume his
3 or her duties as a member of the fire department. If, upon being so
4 notified, such member shall willfully fail to report for employment
5 within ten days, he or she shall forfeit all rights to any benefit
6 under this chapter.

7 **Sec. 51.** RCW 41.18.100 and 1975 1st ex.s. c 178 s 4 are each
8 amended to read as follows:

9 In the event a ((~~fireman~~)) firefighter is killed in the performance
10 of duty, or in the event a ((~~fireman~~)) firefighter retired on account
11 of service connected disability shall die from any cause, his widow or
12 her widower shall receive a monthly pension under one of the following
13 applicable provisions: (1) If a ((~~fireman~~)) firefighter is killed in
14 the line of duty his widow or her widower shall receive a monthly
15 pension equal to fifty percent of his or her basic salary at the time
16 of his or her death; (2) if a ((~~fireman~~)) firefighter who has retired
17 on account of a service connected disability dies, his widow or her
18 widower shall receive a monthly pension equal to the amount of the
19 monthly pension such retired ((~~fireman~~)) firefighter was receiving at
20 the time of his or her death. If she or he at any time so elects in
21 writing and the board after hearing finds it to be financially
22 beneficial to the pension fund, he or she may receive in lieu of all
23 future monthly pension and other benefits, including benefits to child
24 or children, the sum of five thousand dollars in cash. If there be no
25 widow or widower at the time of such ((~~fireman's~~)) firefighter's death
26 or upon the widow's or widower's death the monthly pension benefits
27 hereinabove provided for shall be paid to and divided among his or her
28 child or children share and share alike, until they reach the age of
29 eighteen or are married, whichever occurs first. The widow's or
30 widower's monthly pension benefit, including increased benefits to his
31 or her children shall cease if and when he or she remarries: PROVIDED,
32 That no pension payable under the provisions of this section shall be
33 less than that specified under RCW 41.18.200.

34 **Sec. 52.** RCW 41.18.102 and 1969 ex.s. c 209 s 32 are each amended
35 to read as follows:

36 The provisions of RCW 41.18.040 and 41.18.100 shall be applicable

1 to all ((firemen)) firefighters employed prior to March 1, 1970, but
2 shall not apply to any former ((fireman)) firefighter who has
3 terminated his or her employment prior to July 1, 1969.

4 **Sec. 53.** RCW 41.18.130 and 1969 ex.s. c 209 s 31 are each amended
5 to read as follows:

6 Any ((fireman)) firefighter who shall have served for a period of
7 less than twenty-five years, or who shall be less than fifty years of
8 age, and shall resign, or be dismissed from the fire department for a
9 reason other than conviction for a felony, shall be paid the amount of
10 his or her contributions to the fund plus earned interest: PROVIDED,
11 That in the case of any ((fireman)) firefighter who has completed
12 twenty years of service, such ((fireman)) firefighter, upon termination
13 for any cause except for a conviction of a felony, shall have the
14 option of electing, in lieu of recovery of his or her contributions as
15 herein provided, to be classified as a vested ((fireman)) firefighter
16 in accordance with the following provisions:

17 (1) Written notice of such election shall be filed with the board
18 within thirty days after the effective date of such ((fireman's))
19 firefighter's termination;

20 (2) During the period between the date of his or her termination
21 and the date upon which he or she becomes a retired ((fireman))
22 firefighter as hereinafter provided, such vested ((fireman))
23 firefighter and his or her spouse or dependent children shall be
24 entitled to all benefits available under chapter 41.18 RCW to a retired
25 ((fireman)) firefighter and his or her spouse or dependent children
26 with the exception of the service retirement allowance as herein
27 provided for: PROVIDED, That any claim for medical coverage under RCW
28 41.18.060 shall be attributable to service connected illness or injury;

29 (3) Any ((fireman)) firefighter electing to become a vested
30 ((fireman)) firefighter shall be entitled at such time as he or she
31 otherwise would have completed twenty-five years of service had he or
32 she not terminated, to receive a service retirement allowance computed
33 on the following basis: Two percent of the amount of salary attached
34 to the position held by the vested ((fireman)) firefighter for the year
35 preceding the date of his or her termination, for each year of service
36 rendered prior to the date of his or her termination.

1 **Sec. 54.** RCW 41.18.140 and 1961 c 255 s 7 are each amended to read
2 as follows:

3 The board shall pay from the ((~~firemen's~~)) firefighters' pension
4 fund upon the death of any active or retired ((~~fireman~~)) firefighter
5 the sum of five hundred dollars, to assist in defraying the funeral
6 expenses of such ((~~fireman~~)) firefighter.

7 **Sec. 55.** RCW 41.18.150 and 1955 c 382 s 14 are each amended to
8 read as follows:

9 Every person who was a member of the fire department at the time he
10 or she entered and served in the armed forces of the United States in
11 time of war, whether as a draftee, or inductee, and who shall have been
12 discharged from such armed forces under conditions other than
13 dishonorable, shall have added and accredited to his or her period of
14 employment as a ((~~fireman~~)) firefighter his or her period of war or
15 peacetime service in the armed forces: PROVIDED, That such added and
16 accredited service shall not as to any individual exceed five years.

17 **Sec. 56.** RCW 41.18.160 and 1955 c 382 s 17 are each amended to
18 read as follows:

19 Every ((~~fireman~~)) firefighter as defined in this chapter heretofore
20 employed as a member of a fire department, whether or not as a prior
21 ((~~fireman~~)) firefighter as defined in chapter 41.16 RCW, who desires to
22 make the contributions and avail himself or herself of the pension and
23 other benefits of said chapter 41.16 RCW, can do so by handing to and
24 leaving with the ((~~firemen's~~)) firefighters' pension board of his or
25 her municipality a written notice of such intention within sixty days
26 of the effective date of this chapter, or if he or she was on
27 disability retirement under chapter 41.16 RCW, at the effective date of
28 this chapter and has been recalled to active duty by the retirement
29 board, shall give such notice within sixty days of his or her return to
30 active duty, and not otherwise.

31 **Sec. 57.** RCW 41.18.165 and 1959 c 69 s 1 are each amended to read
32 as follows:

33 Every person who was a member of a fire-fighting organization
34 operated by a private enterprise, which fire-fighting organization
35 shall be hereafter acquired before September 1, 1959, by a municipality

1 as its fire department as a matter of public convenience or necessity,
2 where it is in the public interest to retain the trained personnel of
3 such fire-fighting organization, shall have added and accredited to his
4 or her period of employment as a (~~fireman~~) firefighter his or her
5 period of service with said private enterprise, except that this shall
6 apply only to those persons who are in the service of such fire-
7 fighting organization at the time of its acquisition by the
8 municipality and who remain in the service of that municipality until
9 this chapter shall become applicable to such persons.

10 No such person shall have added and accredited to his or her period
11 of employment as a (~~fireman~~) firefighter his or her period of service
12 with said private enterprise unless he, she, or a third party shall pay
13 to the municipality his or her contribution for the period of such
14 service with the private enterprise at the rate provided in RCW
15 41.18.030, or, if he or she shall be entitled to any private pension or
16 retirement benefits as a result of such service with the private
17 enterprise, unless he or she agrees at the time of his or her
18 employment by the municipality to accept a reduction in the payment of
19 any benefits payable under this chapter that are based in whole or in
20 part on such added and accredited service by the amount of those
21 private pension or retirement benefits received. For the purposes of
22 RCW 41.18.030, the date of entry of service shall be deemed the date of
23 entry into service with the private enterprise, which service is
24 accredited by this section, and the amount of contributions for the
25 period of accredited service shall be based on the wages or salary of
26 such person during that added and accredited period of service with the
27 private enterprise.

28 The city may receive payments for these purposes from a third party
29 and shall make from such payments contributions with respect to such
30 prior service as may be necessary to enable the fund to assume its
31 obligations.

32 **Sec. 58.** RCW 41.18.170 and 1955 c 382 s 16 are each amended to
33 read as follows:

34 The provisions of this chapter governing contributions, pensions,
35 and benefits shall have exclusive application (1) to (~~firemen~~)
36 firefighters as defined in this chapter hereafter becoming members of
37 a fire department, (2) to (~~firemen~~) firefighters as defined in this

1 chapter heretofore employed in a department who have not otherwise
2 elected as provided for in RCW 41.18.160, and (3) to ((firemen))
3 firefighters on disability retirement under chapter 41.16 RCW, at the
4 effective date of this chapter, who thereafter shall have been returned
5 to active duty by the retirement board, and who have not otherwise
6 elected as provided for in RCW 41.18.160 within sixty days after return
7 to active duty.

8 **Sec. 59.** RCW 41.18.180 and 1961 c 255 s 12 are each amended to
9 read as follows:

10 Any ((fireman)) firefighter who has made contributions under any
11 prior act may elect to avail himself or herself of the benefits
12 provided by this chapter or under such prior act by filing written
13 notice with the board within sixty days from the effective date of this
14 1961 amendatory act: PROVIDED, That any ((fireman)) firefighter who
15 has received refunds by reason of selecting the benefits of prior acts
16 shall return the amount of such refunds as a condition to coverage
17 under this 1961 amendatory act.

18 **Sec. 60.** RCW 41.18.190 and 1969 ex.s. c 209 s 41 are each amended
19 to read as follows:

20 Any ((fireman)) firefighter as defined in RCW 41.18.010 who has
21 prior to July 1, 1969 been employed as a member of a fire department
22 and who desires to make contributions and avail himself or herself of
23 the pension and other benefits of chapter 41.18 RCW as now law or
24 hereafter amended, may transfer his or her membership from any other
25 pension fund, except the Washington law enforcement officers' and
26 firefighters' retirement system, to the pension fund provided in
27 chapter 41.18 RCW: PROVIDED, That such ((fireman)) firefighter
28 transmits written notice of his or her intent to transfer to the
29 pension board of his or her municipality prior to September 1, 1969.

30 **Sec. 61.** RCW 41.18.210 and 1974 ex.s. c 148 s 1 are each amended
31 to read as follows:

32 Any former employee of a department of a city of the first class,
33 who (1) was a member of the employees' retirement system of such city,
34 and (2) is now employed within the fire department of such city, may
35 transfer his or her former membership credit from the city employees'

1 retirement system to the ((fireman's)) firefighter's pension system
2 created by chapters 41.16 and 41.18 RCW by filing a written request
3 with the board of administration and the municipal ((fireman's))
4 firefighters' pension board, respectively.

5 Upon the receipt of such request, the transfer of membership to the
6 city's ((fireman's)) firefighter's pension system shall be made,
7 together with a transfer of all accumulated contributions credited to
8 such member. The board of administration shall transmit to the
9 municipal ((fireman's)) firefighters' pension board a record of service
10 credited to such member which shall be computed and credited to such
11 member as a part of his or her period of employment in the city's
12 ((fireman's)) firefighter's pension system. For the purpose of the
13 transfer contemplated by this section, those affected individuals who
14 have formerly withdrawn funds from the city employees' retirement
15 system shall be allowed to restore contributions withdrawn from that
16 retirement system directly to the ((fireman's)) firefighter's pension
17 system and receive credit in the ((fireman's)) firefighter's pension
18 system for their former membership service in the prior system.

19 Any employee so transferring shall have all the rights, benefits,
20 and privileges that he or she would have been entitled to had he or she
21 been a member of the city's ((fireman's)) firefighter's pension system
22 from the beginning of his or her employment with the city.

23 No person so transferring shall thereafter be entitled to any other
24 public pension, except that provided by chapter 41.26 RCW or social
25 security, which is based upon such service with the city.

26 The right of any employee to file a written request for transfer of
27 membership as set forth in this section shall expire December 31, 1974.

28 **Sec. 62.** RCW 9.40.130 and 1971 ex.s. c 302 s 5 are each amended to
29 read as follows:

30 RCW 9.40.120, as now or hereafter amended, shall not prohibit the
31 authorized use or possession of any material, substance, or device
32 described therein by a member of the armed forces of the United States
33 or by ((firemen)) firefighters, or peace officers, nor shall these
34 sections prohibit the use or possession of any material, substance, or
35 device described therein when used solely for scientific research or
36 educational purposes or for any lawful purpose. RCW 9.40.120, as now

1 or hereafter amended, shall not prohibit the manufacture or disposal of
2 an incendiary device for the parties or purposes described in this
3 section.

4 **Sec. 63.** RCW 9A.48.020 and 1981 c 203 s 2 are each amended to read
5 as follows:

6 (1) A person is guilty of arson in the first degree if he or she
7 knowingly and maliciously:

8 (a) Causes a fire or explosion which is manifestly dangerous to any
9 human life, including (~~firemen~~) firefighters; or

10 (b) Causes a fire or explosion which damages a dwelling; or

11 (c) Causes a fire or explosion in any building in which there shall
12 be at the time a human being who is not a participant in the crime; or

13 (d) Causes a fire or explosion on property valued at ten thousand
14 dollars or more with intent to collect insurance proceeds.

15 (2) Arson in the first degree is a class A felony.

16 **Sec. 64.** RCW 19.09.100 and 1994 c 287 s 2 are each amended to read
17 as follows:

18 The following conditions apply to solicitations as defined by RCW
19 19.09.020:

20 (1) A charitable organization, whether or not required to register
21 pursuant to this chapter, that directly solicits contributions from the
22 public in this state shall make the following clear and conspicuous
23 disclosures at the point of solicitation:

24 (a) The name of the individual making the solicitation;

25 (b) The identity of the charitable organization and the city of the
26 principal place of business of the charitable organization;

27 (c) If requested by the solicitee, the published number in the
28 office of the secretary for the donor to obtain additional financial
29 disclosure information on file with the secretary.

30 (2) A commercial fund raiser shall clearly and conspicuously
31 disclose at the point of solicitation:

32 (a) The name of the individual making the solicitation;

33 (b) The name of the entity for which the fund raiser is an agent or
34 employee and the name and city of the charitable organization for which
35 the solicitation is being conducted; and

1 (c) If requested by the solicitee, the published number in the
2 office of the secretary for the donor to obtain additional financial
3 disclosure information on file with the secretary. The disclosure must
4 be made during an oral solicitation of a contribution, and at the same
5 time at which a written request for a contribution is made.

6 (3) A person or organization soliciting charitable contributions by
7 telephone shall make the disclosures required under subsection (1) or
8 (2) of this section in the course of the solicitation but prior to
9 asking for a commitment for a contribution from the solicitee, and in
10 writing to any solicitee that makes a pledge within five working days
11 of making the pledge. If the person or organization sends any
12 materials to the person or organization solicited before the receipt of
13 any contribution, those materials shall include the disclosures
14 required in subsection (1) or (2) of this section, whichever is
15 applicable.

16 (4) In the case of a solicitation by advertisement or mass
17 distribution, including posters, leaflets, automatic dialing machines,
18 publication, and audio or video broadcasts, it shall be clearly and
19 conspicuously disclosed in the body of the solicitation material that:

20 (a) The solicitation is conducted by a named commercial fund
21 raiser, if it is;

22 (b) The notice of solicitation required by the charitable
23 solicitation act is on file with the secretary's office; and

24 (c) The potential donor can obtain additional financial disclosure
25 information at a published number in the office of the secretary.

26 (5) A container or vending machine displaying a solicitation must
27 also display in a clear and conspicuous manner the name of the
28 charitable organization for which funds are solicited, the name,
29 business address, and telephone number of the individual and any
30 commercial fund raiser responsible for collecting funds placed in the
31 containers or vending machines, and the following statement: "This
32 charity is currently registered with the secretary's office under the
33 charitable solicitation act, registration number"

34 (6) A commercial fund raiser shall not represent that tickets to
35 any fund raising event will be donated for use by another person unless
36 all the following requirements are met:

37 (a) The commercial fund raiser prior to conducting a solicitation

1 has written commitments from persons stating that they will accept
2 donated tickets and specifying the number of tickets they will accept;

3 (b) The written commitments are kept on file by the commercial fund
4 raiser for three years and are made available to the secretary,
5 attorney general, or county prosecutor on demand;

6 (c) The contributions solicited for donated tickets may not be more
7 than the amount representing the number of ticket commitments received
8 from persons and kept on file under (a) of this subsection; and

9 (d) Not later than seven calendar days prior to the date of the
10 event for which ticket donations are solicited, the commercial fund
11 raiser shall give all donated tickets to the persons who made the
12 written commitments to accept them.

13 (7) Each person or organization soliciting charitable contributions
14 shall not represent orally or in writing that:

15 (a) The charitable contribution is tax deductible unless the
16 charitable organization for which charitable contributions are being
17 solicited or to which tickets for fund raising events or other services
18 or goods will be donated, has applied for and received from the
19 internal revenue service a letter of determination granting tax
20 deductible status to the charitable organization;

21 (b) The person soliciting the charitable contribution is a
22 volunteer or words of similar meaning or effect that create the
23 impression that the person soliciting is not a paid solicitor unless
24 such person is unpaid for his or her services;

25 (c) The person soliciting the charitable contribution is a member,
26 staffer, helper, or employee of the charitable organization or words of
27 similar meaning or effect that create the impression that the person
28 soliciting is not a paid solicitor if the person soliciting is
29 employed, contracted, or paid by a commercial fund raiser.

30 (8) If the charitable organization is associated with, or has a
31 name that is similar to, any unit of government each person or
32 organization soliciting contributions shall disclose to each person
33 solicited whether the charitable organization is or is not part of any
34 unit of government and the true nature of its relationship to the unit
35 of government. This subsection does not apply to a foundation or other
36 charitable organization that is organized, operated, or controlled by
37 or in connection with a registered public charity, including any
38 governmental agency or unit, from which it derives its name.

1 (9) No person may, in conducting any solicitation, use the name
2 "police," "sheriff," "fire fighter," (~~"firemen,"~~) "firefighters," or
3 a similar name unless properly authorized by a bona fide police,
4 sheriff, or fire fighter organization or police, sheriff, or fire
5 department. A proper authorization shall be in writing and signed by
6 two authorized officials of the organization or department and shall be
7 filed with the secretary.

8 (10) A person may not, in conducting any solicitation, use the name
9 of a federally chartered or nationally recognized military veterans'
10 service organization as determined by the United States veterans'
11 administration unless authorized in writing by the highest ranking
12 official of that organization in this state.

13 (11) A charitable organization shall comply with all local
14 governmental regulations that apply to soliciting for or on behalf of
15 charitable organizations.

16 (12) The advertising material and the general promotional plan for
17 a solicitation shall not be false, misleading, or deceptive, and shall
18 afford full and fair disclosure.

19 (13) Solicitations shall not be conducted by a charitable
20 organization or commercial fund raiser that has, or if a corporation,
21 its officers, directors, or principals have, been convicted of a crime
22 involving solicitations for or on behalf of a charitable organization
23 in this state, the United States, or any other state or foreign country
24 within the past ten years or has been subject to any permanent
25 injunction or administrative order or judgment under RCW 19.86.080 or
26 19.86.090, involving a violation or violations of RCW 19.86.020, within
27 the past ten years, or of restraining a false or misleading promotional
28 plan involving solicitations for charitable organizations.

29 (14) No charitable organization or commercial fund raiser subject
30 to this chapter may use or exploit the fact of registration under this
31 chapter so as to lead the public to believe that registration
32 constitutes an endorsement or approval by the state, but the use of the
33 following is not deemed prohibited: "Currently registered with the
34 Washington state secretary of state as required by law. Registration
35 number"

36 (15) No entity may engage in any solicitation for contributions for
37 or on behalf of any charitable organization or commercial fund raiser

1 unless the charitable organization or commercial fund raiser is
2 currently registered with the secretary.

3 (16) No entity may engage in any solicitation for contributions
4 unless it complies with all provisions of this chapter.

5 (17)(a) No entity may place a telephone call for the purpose of
6 charitable solicitation that will be received by the solicitee before
7 eight o'clock a.m. or after nine o'clock p.m.

8 (b) No entity may, while placing a telephone call for the purpose
9 of charitable solicitation, engage in any conduct the natural
10 consequence of which is to harass, intimidate, or torment any person in
11 connection with the telephone call.

12 (18) Failure to comply with subsections (1) through (17) of this
13 section is a violation of this chapter.

14 **Sec. 65.** RCW 35.17.100 and 1965 c 7 s 35.17.100 are each amended
15 to read as follows:

16 Every member of the city commission, before qualifying, shall give
17 a good and sufficient bond to the city in a sum equivalent to five
18 times the amount of his or her annual salary, conditioned for the
19 faithful performance of the duties of his or her office. The bonds
20 must be approved by a judge of the superior court for the county in
21 which the city is located and filed with the clerk thereof. The
22 commission, by resolution, may require any of its appointees to give
23 bond to be fixed and approved by the commission and filed with the
24 mayor.

25 **Sec. 66.** RCW 35A.11.020 and 1993 c 83 s 8 are each amended to read
26 as follows:

27 The legislative body of each code city shall have power to organize
28 and regulate its internal affairs within the provisions of this title
29 and its charter, if any; and to define the functions, powers, and
30 duties of its officers and employees; within the limitations imposed by
31 vested rights, to fix the compensation and working conditions of such
32 officers and employees and establish and maintain civil service, or
33 merit systems, retirement and pension systems not in conflict with the
34 provisions of this title or of existing charter provisions until
35 changed by the people: PROVIDED, That nothing in this section or in
36 this title shall permit any city, whether a code city or otherwise, to

1 enact any provisions establishing or respecting a merit system or
2 system of civil service for (~~(firemen)~~) firefighters and (~~(policemen)~~)
3 police officers which does not substantially accomplish the same
4 purpose as provided by general law in chapter 41.08 RCW for (~~(firemen)~~)
5 firefighters and chapter 41.12 RCW for (~~(policemen)~~) police officers
6 now or as hereafter amended, or enact any provision establishing or
7 respecting a pension or retirement system for (~~(firemen)~~) firefighters
8 or (~~(policemen)~~) police officers which provides different pensions or
9 retirement benefits than are provided by general law for such classes.

10 Such body may adopt and enforce ordinances of all kinds relating to
11 and regulating its local or municipal affairs and appropriate to the
12 good government of the city, and may impose penalties of fine not
13 exceeding five thousand dollars or imprisonment for any term not
14 exceeding one year, or both, for the violation of such ordinances,
15 constituting a misdemeanor or gross misdemeanor as provided therein.
16 However, the punishment for any criminal ordinance shall be the same as
17 the punishment provided in state law for the same crime. Such a body
18 alternatively may provide that violation of such ordinances constitutes
19 a civil violation subject to monetary penalty, but no act which is a
20 state crime may be made a civil violation.

21 The legislative body of each code city shall have all powers
22 possible for a city or town to have under the Constitution of this
23 state, and not specifically denied to code cities by law. By way of
24 illustration and not in limitation, such powers may be exercised in
25 regard to the acquisition, sale, ownership, improvement, maintenance,
26 protection, restoration, regulation, use, leasing, disposition,
27 vacation, abandonment or beautification of public ways, real property
28 of all kinds, waterways, structures, or any other improvement or use of
29 real or personal property, in regard to all aspects of collective
30 bargaining as provided for and subject to the provisions of chapter
31 41.56 RCW, as now or hereafter amended, and in the rendering of local
32 social, cultural, recreational, educational, governmental, or corporate
33 services, including operating and supplying of utilities and municipal
34 services commonly or conveniently rendered by cities or towns.

35 In addition and not in limitation, the legislative body of each
36 code city shall have any authority ever given to any class of
37 municipality or to all municipalities of this state before or after the
38 enactment of this title, such authority to be exercised in the manner

1 provided, if any, by the granting statute, when not in conflict with
2 this title. Within constitutional limitations, legislative bodies of
3 code cities shall have within their territorial limits all powers of
4 taxation for local purposes except those which are expressly preempted
5 by the state as provided in RCW 66.08.120, 82.36.440, 48.14.020, and
6 48.14.080.

7 **Sec. 67.** RCW 35.27.240 and 1987 c 3 s 13 are each amended to read
8 as follows:

9 The department of police in a town shall be under the direction and
10 control of the marshal subject to the direction of the mayor. He or
11 she may pursue and arrest violators of town ordinances beyond the town
12 limits.

13 ((His)) The marshal's lawful orders shall be promptly executed by
14 deputies, police officers and ((watchmen)) watchpersons. Every citizen
15 shall lend him or her aid, when required, for the arrest of offenders
16 and maintenance of public order. He or she may appoint, subject to the
17 approval of the mayor, one or more deputies, for whose acts he and his
18 ((bondsmen)) or her bondspersons shall be responsible, whose
19 compensation shall be fixed by the council. With the concurrence of
20 the mayor, ((he)) the marshal may appoint additional ((policemen))
21 police officers for one day only when necessary for the preservation of
22 public order.

23 ((He)) The marshal shall have the same authority as that conferred
24 upon sheriffs for the suppression of any riot, public tumult,
25 disturbance of the peace, or resistance against the laws or public
26 authorities in the lawful exercise of their functions and shall be
27 entitled to the same protection.

28 ((He)) The marshal shall execute and return all process issued and
29 directed to him or her by any legal authority and for his or her
30 services shall receive the same fees as are paid to constables. ((He))
31 The marshal shall perform such other services as the council by
32 ordinance may require.

33 **Sec. 68.** RCW 35.66.040 and 1965 c 7 s 35.66.040 are each amended
34 to read as follows:

35 A police matron must be paid such compensation for her services as

1 shall be fixed by the city council and at such time as may be appointed
2 for the payment of ((~~police~~men)) police officers.

3 **Sec. 69.** RCW 35.75.050 and 1965 c 7 s 35.75.050 are each amended
4 to read as follows:

5 The city or town council shall by ordinance provide that the whole
6 amount or any amount not less than seventy-five percent of all license
7 fees, penalties or other moneys collected under the authority of this
8 chapter shall be paid into and placed to the credit of a special fund
9 to be known as the "bicycle road fund." The moneys in the bicycle road
10 fund shall not be transferred to any other fund and shall be paid out
11 for the sole purpose of building and maintaining bicycle paths and
12 roadways authorized to be constructed and maintained by this chapter or
13 for special ((~~police~~men)) police officers, bicycle tags, stationery and
14 other expenses growing out of the regulating and licensing of the
15 riding of bicycles and other vehicles and the construction, maintenance
16 and regulation of the use of bicycle paths and roadways.

17 **Sec. 70.** RCW 35.88.020 and 1965 c 7 s 35.88.020 are each amended
18 to read as follows:

19 Every city and town may by ordinance prescribe what acts shall
20 constitute offenses against the purity of its water supply and the
21 punishment or penalties therefor and enforce them. The mayor of each
22 city and town may appoint special ((~~police~~men)) police officers, with
23 such compensation as the city or town may fix, who shall, after taking
24 oath, have the powers of constables, and who may arrest with or without
25 warrant any person committing, within the territory over which any city
26 or town is given jurisdiction by this chapter, any offense declared by
27 law or by ordinance, against the purity of the water supply, or which
28 violate any rule or regulation lawfully promulgated by the state board
29 of health for the protection of the purity of such water supply. Every
30 special ((~~police~~man)) police officer whose appointment is authorized
31 herein may take any person arrested for any such offense or violation
32 before any court having jurisdiction thereof to be proceeded with
33 according to law. Every such special ((~~police~~man)) police officer
34 shall, when on duty wear in plain view a badge or shield bearing the
35 words "special police" and the name of the city or town by which he or
36 she has been appointed.

1 **Sec. 71.** RCW 41.44.060 and 1951 c 275 s 3 are each amended to read
2 as follows:

3 (~~Police~~) Police officers in first class cities and all city
4 (~~firemen~~) firefighters shall be excluded from the provisions of this
5 chapter, except those employees of the fire department who are not
6 eligible to the benefits of any (~~firemen's~~) firefighters' pension
7 system established by or pursuant to state law, and who shall be
8 included in the miscellaneous personnel.

9 **Sec. 72.** RCW 41.48.030 and 1971 ex.s. c 257 s 19 are each amended
10 to read as follows:

11 (1) The governor is hereby authorized to enter on behalf of the
12 state into an agreement with the secretary of health, education, and
13 welfare consistent with the terms and provisions of this chapter, for
14 the purpose of extending the benefits of the federal old-age and
15 survivors insurance system to employees of the state or any political
16 subdivision not members of an existing retirement system, or to members
17 of a retirement system established by the state or by a political
18 subdivision thereof or by an institution of higher learning with
19 respect to services specified in such agreement which constitute
20 "employment" as defined in RCW 41.48.020. Such agreement may contain
21 such provisions relating to coverage, benefits, contributions,
22 effective date, modification and termination of the agreement,
23 administration, and other appropriate provisions as the governor and
24 secretary of health, education, and welfare shall agree upon, but,
25 except as may be otherwise required by or under the social security act
26 as to the services to be covered, such agreement shall provide in
27 effect that--

28 (a) Benefits will be provided for employees whose services are
29 covered by the agreement (and their dependents and survivors) on the
30 same basis as though such services constituted employment within the
31 meaning of title II of the social security act;

32 (b) The state will pay to the secretary of the treasury, at such
33 time or times as may be prescribed under the social security act,
34 contributions with respect to wages (as defined in RCW 41.48.020),
35 equal to the sum of the taxes which would be imposed by the federal
36 insurance contributions act if the services covered by the agreement
37 constituted employment within the meaning of that act;

1 (c) Such agreement shall be effective with respect to services in
2 employment covered by the agreement or modification thereof performed
3 after a date specified therein but in no event may it be effective with
4 respect to any such services performed prior to the first day of the
5 calendar year immediately preceding the calendar year in which such
6 agreement or modification of the agreement is accepted by the secretary
7 of health, education and welfare.

8 (d) All services which constitute employment as defined in RCW
9 41.48.020 and are performed in the employ of the state by employees of
10 the state, shall be covered by the agreement;

11 (e) All services which (i) constitute employment as defined in RCW
12 41.48.020, (ii) are performed in the employ of a political subdivision
13 of the state, and (iii) are covered by a plan which is in conformity
14 with the terms of the agreement and has been approved by the governor
15 under RCW 41.48.050, shall be covered by the agreement; and

16 (f) As modified, the agreement shall include all services described
17 in either paragraph (d) or paragraph (e) of this subsection and
18 performed by individuals to whom section 218(c)(3)(C) of the social
19 security act is applicable, and shall provide that the service of any
20 such individual shall continue to be covered by the agreement in case
21 he thereafter becomes eligible to be a member of a retirement system;
22 and

23 (g) As modified, the agreement shall include all services described
24 in either paragraph (d) or paragraph (e) of this subsection and
25 performed by individuals in positions covered by a retirement system
26 with respect to which the governor has issued a certificate to the
27 secretary of health, education, and welfare pursuant to subsection (5)
28 of this section.

29 (h) Law enforcement officers and (~~firemen~~) firefighters of each
30 political subdivision of this state who are covered by the Washington
31 Law Enforcement Officers' and Fire Fighters' Retirement System Act
32 (chapter 209, Laws of 1969 ex. sess.) as now in existence or hereafter
33 amended shall constitute a separate "coverage group" for purposes of
34 the agreement entered into under this section and for purposes of
35 section 218 of the social security act. To the extent that the
36 agreement between this state and the federal secretary of health,
37 education, and welfare in existence on the date of adoption of this

1 subsection is inconsistent with this subsection, the governor shall
2 seek to modify the inconsistency.

3 (2) Any instrumentality jointly created by this state and any other
4 state or states is hereby authorized, upon the granting of like
5 authority by such other state or states, (a) to enter into an agreement
6 with the secretary of health, education, and welfare whereby the
7 benefits of the federal old-age and survivors insurance system shall be
8 extended to employees of such instrumentality, (b) to require its
9 employees to pay (and for that purpose to deduct from their wages)
10 contributions equal to the amounts which they would be required to pay
11 under RCW 41.48.040(1) if they were covered by an agreement made
12 pursuant to subsection (1) of this section, and (c) to make payments to
13 the secretary of the treasury in accordance with such agreement,
14 including payments from its own funds, and otherwise to comply with
15 such agreements. Such agreement shall, to the extent practicable, be
16 consistent with the terms and provisions of subsection (1) and other
17 provisions of this chapter.

18 (3) The governor is empowered to authorize a referendum, and to
19 designate an agency or individual to supervise its conduct, in
20 accordance with the requirements of section 218(d)(3) of the social
21 security act, and subsection (4) of this section on the question of
22 whether service in all positions covered by a retirement system
23 established by the state or by a political subdivision thereof should
24 be excluded from or included under an agreement under this chapter. If
25 a retirement system covers positions of employees of the state of
26 Washington, of the institutions of higher learning, and positions of
27 employees of one or more of the political subdivisions of the state,
28 then for the purpose of the referendum as provided herein, there may be
29 deemed to be a separate retirement system with respect to employees of
30 the state, or any one or more of the political subdivisions, or
31 institutions of higher learning and the governor shall authorize a
32 referendum upon request of the subdivisions' or institutions' of higher
33 learning governing body: PROVIDED HOWEVER, That if a referendum of
34 state employees generally fails to produce a favorable majority vote
35 then the governor may authorize a referendum covering positions of
36 employees in any state department who are compensated in whole or in
37 part from grants made to this state under title III of the federal
38 social security act: PROVIDED, That any city or town affiliated with

1 the statewide city employees retirement system organized under chapter
2 41.44 RCW may at its option agree to a plan submitted by the board of
3 trustees of said statewide city employees retirement system for
4 inclusion under an agreement under this chapter if the referendum to be
5 held as provided herein indicates a favorable result: PROVIDED
6 FURTHER, That the teachers' retirement system be considered one system
7 for the purpose of the referendum except as applied to the several
8 colleges of education. The notice of referendum required by section
9 218(d)(3)(C) of the social security act to be given to employees shall
10 contain or shall be accompanied by a statement, in such form and such
11 detail as the agency or individual designated to supervise the
12 referendum shall deem necessary and sufficient, to inform the employees
13 of the rights which will accrue to them and their dependents and
14 survivors, and the liabilities to which they will be subject, if their
15 services are included under an agreement under this chapter.

16 (4) The governor, before authorizing a referendum, shall require
17 the following conditions to be met:

18 (a) The referendum shall be by secret written ballot on the
19 question of whether service in positions covered by such retirement
20 system shall be excluded from or included under the agreement between
21 the governor and the secretary of health, education, and welfare
22 provided for in RCW 41.48.030(1);

23 (b) An opportunity to vote in such referendum shall be given and
24 shall be limited to eligible employees;

25 (c) Not less than ninety days' notice of such referendum shall be
26 given to all such employees;

27 (d) Such referendum shall be conducted under the supervision (of
28 the governor or) of an agency or individual designated by the governor;

29 (e) The proposal for coverage shall be approved only if a majority
30 of the eligible employees vote in favor of including services in such
31 positions under the agreement;

32 (f) The state legislature, in the case of a referendum affecting
33 the rights and liabilities of state employees covered under the state
34 employees' retirement system and employees under the teachers'
35 retirement system, and in all other cases the local legislative
36 authority or governing body, shall have specifically approved the
37 proposed plan and approved any necessary structural adjustment to the
38 existing system to conform with the proposed plan.

1 (5) Upon receiving satisfactory evidence that with respect to any
2 such referendum the conditions specified in subsection (4) of this
3 section and section 218(d)(3) of the social security act have been met,
4 the governor shall so certify to the secretary of health, education,
5 and welfare.

6 (6) If the legislative body of any political subdivision of this
7 state certifies to the governor that a referendum has been held under
8 the terms of RCW 41.48.050(1)(i) and gives notice to the governor of
9 termination of social security for any coverage group of the political
10 subdivision, the governor shall give two years advance notice in
11 writing to the federal department of health, education, and welfare of
12 such termination of the agreement entered into under this section with
13 respect to said coverage group.

14 **Sec. 73.** RCW 46.37.185 and 1987 c 330 s 709 are each amended to
15 read as follows:

16 ((Firemen)) Firefighters, when approved by the chief of their
17 respective service, shall be authorized to use a green light on the
18 front of their private cars when on emergency duty only. Such green
19 light shall be visible for a distance of two hundred feet under normal
20 atmospheric conditions and shall be of a type and mounting approved by
21 the Washington state patrol. The use of the green light shall only be
22 for the purpose of identification and the operator of a vehicle so
23 equipped shall not be entitled to any of the privileges provided in RCW
24 46.61.035 for the operators of authorized emergency vehicles.

25 **Sec. 74.** RCW 81.28.080 and 1973 1st ex.s. c 154 s 117 are each
26 amended to read as follows:

27 No common carrier shall charge, demand, collect or receive a
28 greater or less or different compensation for transportation of persons
29 or property, or for any service in connection therewith, than the
30 rates, fares and charges applicable to such transportation as specified
31 in its schedules filed and in effect at the time; nor shall any such
32 carrier refund or remit in any manner or by any device any portion of
33 the rates, fares, or charges so specified excepting upon order of the
34 commission as hereinafter provided, nor extend to any shipper or person
35 any privileges or facilities in the transportation of passengers or
36 property except such as are regularly and uniformly extended to all

1 persons and corporations under like circumstances. No common carrier
2 shall, directly or indirectly, issue or give any free ticket, free pass
3 or free or reduced transportation for passengers between points within
4 this state, except its employees and their families, surgeons and
5 physicians and their families, its officers, agents and attorneys at
6 law; to ministers of religion, traveling secretaries of railroad Young
7 Men's Christian Associations, inmates of hospitals, charitable and
8 eleemosynary institutions and persons exclusively engaged in charitable
9 and eleemosynary work; to indigent, destitute and homeless persons and
10 to such persons when transported by charitable societies or hospitals,
11 and the necessary agents employed in such transportation; to inmates of
12 the national homes or state homes for disabled volunteer soldiers and
13 of soldiers' and sailors' homes, including those about to enter and
14 those returning home after discharge; to necessary caretakers of
15 livestock, poultry, milk and fruit; to employees of sleeping car
16 companies, express companies, and to (~~linemen~~) lineworkers of
17 telegraph and telephone companies; to railway mail service employees,
18 post office inspectors, customs inspectors and immigration inspectors;
19 to (~~newsboys~~) newspaper delivery persons on trains; baggage agents,
20 witnesses attending any legal investigation in which the common carrier
21 is interested; to persons injured in accidents or wrecks and physicians
22 and nurses attending such persons; to the National Guard of Washington
23 when on official duty, and students going to and returning from state
24 institutions of learning: PROVIDED, That this provision shall not be
25 construed to prohibit the interchange of passes for the officers,
26 attorneys, agents and employees and their families, of railroad
27 companies, steamboat companies, express companies and sleeping car
28 companies with other railroad companies, steamboat companies, express
29 companies and sleeping car companies, nor to prohibit any common
30 carrier from carrying passengers free with the object of providing
31 relief in cases of general epidemic, pestilence, or other calamitous
32 visitation: AND PROVIDED, FURTHER, That this provision shall not be
33 construed to prohibit the exchange of passes or franks for the
34 officers, attorneys, agents, employees, and their families of such
35 telegraph, telephone and cable lines, and the officers, attorneys,
36 agents, employees, and their families of other telegraph, telephone or
37 cable lines, or with railroad companies, express companies or sleeping
38 car companies: PROVIDED, FURTHER, That the term "employee" as used in

1 this section shall include furloughed, pensioned, and superannuated
2 employees, persons who have become disabled or infirm in the service of
3 any such common carrier, and the remains of a person killed or dying in
4 the employment of a carrier, those entering or leaving its service and
5 ex-employees traveling for the purpose of entering the service of any
6 such common carrier; and the term "families" as used in this section
7 shall include the families of those persons named in this proviso, also
8 the families of persons killed and the surviving spouses prior to
9 remarriage and minor children during minority, of persons who died
10 while in the service of any such common carrier: AND PROVIDED,
11 FURTHER, That nothing herein contained shall prevent the issuance of
12 mileage, commutation tickets or excursion passenger tickets: AND
13 PROVIDED, FURTHER, That nothing in this section shall be construed to
14 prevent the issuance of free or reduced transportation by any street
15 railroad company for mail carriers, or (~~police men~~) police officers or
16 members of fire departments, city officers, and employees when engaged
17 in the performance of their duties as such city employees.

18 Common carriers subject to the provisions of this title may carry,
19 store or handle, free or at reduced rates, property for the United
20 States, state, county or municipal governments, or for charitable
21 purposes, or to or from fairs and exhibitions for exhibition thereat,
22 and may carry, store or handle, free or at reduced rates, the household
23 goods and personal effects of its employees and those entering or
24 leaving its service and those killed or dying while in its service.

25 Nothing in this title shall be construed to prohibit the making of
26 a special contract providing for the mutual exchange of service between
27 any railroad company and any telegraph or telephone company, where the
28 line of such telegraph or telephone company is situated upon or along
29 the railroad right of way and used by both of such companies.

30 **Sec. 75.** RCW 35.23.121 and 1995 c 301 s 36 are each amended to
31 read as follows:

32 The city clerk shall keep a full and true record of every act and
33 proceeding of the city council and keep such books, accounts and make
34 such reports as may be required by the state auditor. The city clerk
35 shall record all ordinances, annexing thereto his or her certificate
36 giving the number and title of the ordinance, stating that the
37 ordinance was published and posted according to law and that the record

1 is a true and correct copy thereof. The record copy with the clerk's
2 certificate shall be prima facie evidence of the contents of the
3 ordinance and of its passage and publication and shall be admissible as
4 such evidence in any court or proceeding.

5 The city clerk shall be custodian of the seal of the city and shall
6 have authority to acknowledge the execution of all instruments by the
7 city which require acknowledgment.

8 The city clerk may appoint a deputy for whose acts he or she and
9 his or her (~~bondsmen~~) bondspersons shall be responsible, and he or
10 she and his or her deputy shall have authority to take all necessary
11 affidavits to claims against the city and certify them without charge.

12 The city clerk shall perform such other duties as may be required
13 by statute or ordinance.

14 **Sec. 76.** RCW 35.27.220 and 1965 c 7 s 35.27.220 are each amended
15 to read as follows:

16 The town clerk shall be custodian of the seal of the town. ((He))
17 The town clerk may appoint a deputy for whose acts he or she and his
18 (~~bondsmen~~) or her bondspersons shall be responsible(~~(+he)~~). The
19 town clerk and his or her deputy may administer oaths or affirmations
20 and certify to them, and may take affidavits and depositions to be used
21 in any court or proceeding in the state.

22 ((He)) The town clerk shall make a quarterly statement in writing
23 showing the receipts and expenditures of the town for the preceding
24 quarter and the amount remaining in the treasury.

25 At the end of every fiscal year ((he)) the town clerk shall make a
26 full and detailed statement of receipts and expenditures of the
27 preceding year and a full statement of the financial condition of the
28 town which shall be published.

29 ((He)) The town clerk shall perform such other services as may be
30 required by statute or by ordinances of the town council.

31 ((He)) The town clerk shall keep a full and true account of all the
32 proceedings of the council.

33 **Sec. 77.** RCW 59.12.110 and 1905 c 86 s 4 are each amended to read
34 as follows:

35 The plaintiff or defendant at any time, upon two days' notice to
36 the adverse party, may apply to the court or any judge thereof for an

1 order raising or lowering the amount of any bond in this chapter
2 provided for. Either party may, upon like notice, apply to the court
3 or any judge thereof for an order requiring additional or other surety
4 or sureties upon any such bond. Upon the hearing or any application
5 made under the provisions of this section evidence may be given. The
6 judge after hearing any such application shall make such an order as
7 shall be just in the premises. The ((bondsmen)) bondspersons may be
8 required to be present at such hearing if so required in the notice
9 thereof, and shall answer under oath all questions that may be asked
10 them touching their qualifications as ((bondsmen)) bondspersons, and in
11 the event the ((bondsmen)) bondspersons shall fail or refuse to appear
12 at such hearing and so answer such questions the bond shall be
13 stricken. In the event the court shall order a new or additional bond
14 to be furnished by defendant, and the same shall not be given within
15 twenty-four hours, the court shall order the sheriff to forthwith
16 execute the writ. In the event the defendant shall file a second or
17 additional bond and it shall also be found insufficient after hearing,
18 as above provided, the right to retain the premises by bond shall be
19 lost and the sheriff shall forthwith put the plaintiff in possession of
20 the premises.

21 **Sec. 78.** RCW 82.38.230 and 1998 c 176 s 77 are each amended to
22 read as follows:

23 Whenever any licensee is delinquent in the payment of any
24 obligation imposed hereunder, and such delinquency continues after
25 notice and demand for payment by the department, the department shall
26 proceed to collect the amount due from the licensee in the following
27 manner: The department shall seize any property subject to the lien of
28 said excise tax, penalty, and interest and thereafter sell it at public
29 auction to pay said obligation and any and all costs that may have been
30 incurred on account of the seizure and sale. Notice of such intended
31 sale and the time and place thereof shall be given to such delinquent
32 licensee and to all persons appearing of record to have an interest in
33 such property. The notice shall be given in writing at least ten days
34 before the date set for the sale by enclosing it in an envelope
35 addressed to the licensee at the licensee's address as the same appears
36 in the records of the department and, in the case of any person
37 appearing of record to have an interest in such property, addressed to

1 such person at his or her last known residence or place of business,
2 and depositing such envelope in the United States mail, postage
3 prepaid. In addition, the notice shall be published for at least ten
4 days before the date set for the sale in a newspaper of general
5 circulation published in the county in which the property seized is to
6 be sold. If there is no newspaper of general circulation in such
7 county, the notice shall be posted in three public places in the county
8 for a period of ten days. The notice shall contain a description of
9 the property to be sold, together with a statement of the amount due
10 under this chapter, the name of the licensee and the further statement
11 that unless such amount is paid on or before the time fixed in the
12 notice the property will be sold in accordance with law.

13 The department shall then proceed to sell the property in
14 accordance with the law and the notice, and shall deliver to the
15 purchaser a bill of sale or deed which shall vest title in the
16 purchaser. If upon any such sale the moneys received exceed the amount
17 due to the state under this chapter from the delinquent licensee, the
18 excess shall be returned to the licensee and the licensee's receipt
19 obtained for the excess. If any person having an interest in or lien
20 upon the property has filed with the department prior to such sale,
21 notice of such interest or lien, the department shall withhold payment
22 of any such excess to the licensee pending a determination of the
23 rights of the respective parties thereto by a court of competent
24 jurisdiction. If for any reason the receipt of the licensee is not
25 available, the department shall deposit such excess with the state
26 treasurer as trustee for the licensee or the licensee's heirs,
27 successors, or assigns: PROVIDED, That prior to making any seizure of
28 property as provided for in this section, the department may first
29 serve upon the licensee's (~~bondsman~~) bondsperson a notice of the
30 delinquency, with a demand for the payment of the amount due.

31 **Sec. 79.** RCW 87.03.020 and 1988 c 127 s 40 are each amended to
32 read as follows:

33 For the purpose of organizing an irrigation district, a petition,
34 signed by the required number of holders of title or evidence of title
35 to land within the proposed district, shall be presented to the board
36 of county commissioners of the county in which the lands, or the

1 greater portion thereof, are situated, which petition shall contain the
2 following:

3 (1) A description of the lands to be included in the operation of
4 the district, in legal subdivisions or fractions thereof, and the name
5 of the county or counties in which said lands are situated.

6 (2) The signature and post office address of each petitioner,
7 together with the legal description of the particular lands within the
8 proposed district owned by said respective petitioners.

9 (3) A general statement of the probable source or sources of water
10 supply and a brief outline of the plan of improvement, which may be in
11 the alternative, contemplated by the organization of the district.

12 (4) A statement of the number of directors, either three or five,
13 desired for the administration of the district and of the name by which
14 the petitioners desire the district to be designated.

15 (5) Any other matter deemed material.

16 (6) A prayer requesting the board to take the steps necessary to
17 organize the district.

18 The petition must be accompanied by a good and sufficient bond, to
19 be approved by the board of county commissioners, in double the amount
20 of the probable cost of organizing the district, and conditioned that
21 the ((bondsmen)) bondspersons will pay all of the cost in case such
22 organization shall not be effected. Said petition shall be presented
23 at a regular meeting of the said board, or at any special meeting
24 ordered to consider and act upon said petition, and shall be published
25 once a week, for at least two weeks (three issues) before the time at
26 which the same is to be presented, in some newspaper of general
27 circulation printed and published in the county where said petition is
28 to be presented, together with a notice signed by the clerk of the
29 board of county commissioners stating the time of the meeting at which
30 the same will be presented. There shall also be published a notice of
31 the hearing on said petition in a newspaper published at Olympia,
32 Washington, to be designated by the director of ecology from year to
33 year, which said notice shall be published for at least two weeks
34 (three issues) prior to the date of said meeting and shall contain the
35 name of the county or counties and the number of each township and
36 range in which the lands embraced within the boundaries of the proposed
37 district are situated, also the time, place and purpose for said
38 meeting, which said notice shall be signed by the petitioner whose name

1 first appears upon the said petition. If any portion of the lands
2 within said proposed district lie within another county or counties,
3 then the said petition and notice shall be published for the time above
4 provided in one newspaper printed and published in each of said
5 counties. The said notice, together with a map of the district, shall
6 also be served by registered mail at least thirty days before the said
7 hearing upon the state director of ecology at Olympia, Washington, who
8 shall, at the expense of the district in case it is later organized,
9 otherwise at the expense of the petitioners' (~~bondsmen~~) bondspersons,
10 make such investigation of the sufficiency of the source and supply of
11 water for the purposes of the proposed district, as he or she may deem
12 necessary, and file a report of his or her findings, together with a
13 statement of his or her costs, with the board of county commissioners
14 at or prior to the time set for said hearing. When the petition is
15 presented, the board of county commissioners shall hear the same, shall
16 receive such evidence as it may deem material, and may adjourn such
17 hearing from time to time, not exceeding four weeks in all, and on the
18 final hearing shall establish and define the boundaries of the district
19 along such lines as in the judgment of the board will best reclaim the
20 lands involved and enter an order to that effect: PROVIDED, That said
21 board shall not modify the boundaries so as to except from the
22 operation of the district any territory within the boundaries outlined
23 in the petition, which is susceptible of irrigation by the same system
24 of works applicable to other lands in such proposed district and for
25 which a water supply is available; nor shall any lands which, in the
26 judgment of said board, will not be benefited, be included within such
27 district; any lands included within any district, which have a partial
28 or full water right shall be given equitable credit therefor in the
29 apportionment of the assessments in this act provided for: AND
30 PROVIDED FURTHER, That any owner, whose lands are susceptible of
31 irrigation from the same source, and in the judgment of the board it is
32 practicable to irrigate the same by the proposed district system,
33 shall, upon application to the board at the time of the hearing, be
34 entitled to have such lands included in the district.

35 At said hearing the board shall also give the district a name and
36 shall order that an election be held therein for the purpose of
37 determining whether or not the district shall be organized under the
38 provisions of this act and for the purpose of electing directors.

1 The clerk of the board of county commissioners shall then give
2 notice of the election ordered to be held as aforesaid, which notice
3 shall describe the district boundaries as established, and shall give
4 the name by which said proposed district has been designated, and shall
5 state the purposes and objects of said election, and shall be published
6 once a week, for at least two weeks (three issues) prior to said
7 election, in a newspaper of general circulation published in the county
8 where the petition aforesaid was presented; and if any portion of said
9 proposed district lies within another county or counties, then said
10 notice shall be published in like manner in a newspaper within each of
11 said counties. Said election notice shall also require the electors to
12 cast ballots which shall contain the words "Irrigation District--Yes,"
13 and "Irrigation District--No," and also the names of persons to be
14 voted for as directors of the district: PROVIDED, That where in this
15 act publication is required to be made in a newspaper of any county,
16 the same may be made in a newspaper of general circulation in such
17 county, selected by the person or body charged with making the
18 publication and such newspaper shall be the official paper for such
19 purpose.

20 **Sec. 80.** RCW 87.84.020 and 1961 c 226 s 3 are each amended to read
21 as follows:

22 A petition to convert an existing irrigation district to an
23 irrigation and rehabilitation district shall be signed by at least
24 fifty holders of title or evidence of title to land within the
25 district. The petition shall contain the following:

- 26 (1) The legal description of the property to be served.
27 (2) The signature and address of each petitioner, together with the
28 legal description of the lands within the district owned by each.
29 (3) Any other matter deemed material.

30 The petition shall be accompanied by a bond, to be approved by the
31 board, in double the amount of the probable cost of organizing the
32 district, and conditioned that the (~~bondsman~~) bondsperson will pay
33 all the costs if the organization is not effected.

34 **Sec. 81.** RCW 19.29.010 and 1989 c 12 s 3 are each amended to read
35 as follows:

36 It shall be unlawful from and after the passage of this chapter for

1 any officer, agent, or employee of the state of Washington, or of any
2 county, city or other political subdivision thereof, or for any other
3 person, firm or corporation, or its officers, agents or employees, to
4 run, place, erect, maintain, or use any electrical apparatus or
5 construction, except as provided in the rules of this chapter.

6 Rule 1. No wire or cable, except the neutral, carrying a current
7 of less than seven hundred fifty volts of electricity within the
8 corporate limits of any city or town shall be run, placed, erected,
9 maintained or used on any insulator the center of which is less than
10 thirteen inches from the center line of any pole. And no such wire,
11 except the neutral, shall be run past any pole to which it is not
12 attached at a distance of less than thirteen inches from the center
13 line thereof. This rule shall not apply to any wire or cable where the
14 same is run from under ground and placed vertically on the pole; nor to
15 any wire or cable where the same is attached to the top of the pole;
16 nor to a pole top fixture as between it and the same pole; nor to any
17 wire or cable between the points where the same is made to leave any
18 pole or fixture thereon for the purpose of entering any building or
19 other structure and the point of attachment to such building or
20 structure; nor to any jumper wire or cable carrying a current or
21 connected with a transformer or other appliance on the same pole; nor
22 to bridle or jumper wires on any pole which are attached to or
23 connected with signal wires on the same pole; nor to any aerial cable
24 as between such cable and any pole upon which it originates or
25 terminates; nor to exclusive telephone or telegraph toll lines; nor to
26 aerial cables containing telephone, telegraph, or signal wires, or
27 wires continuing from same, where the cable is attached to poles on
28 which no wires or cables other than the wires continuing from said
29 cable are maintained, provided, that electric light or power wires or
30 cables are in no case maintained on the same side of the street or
31 highway on which said aerial cable is placed.

32 Rule 2. No wire or cable used to carry a current of over seven
33 hundred fifty volts of electricity within the incorporate limits of any
34 city or town shall be run, placed, erected, maintained or used on any
35 insulator the center of which is nearer than twenty-four inches to the
36 center line of any pole. And no such wire or cable shall be run past
37 any pole to which it is not attached at a distance of less than twenty-
38 four inches from the center line thereof: PROVIDED, That this shall

1 not apply to any wire or cable where the same is run from under ground
2 and placed vertically on the pole; nor to any wire or cable where the
3 same is attached to the top of the pole; nor to a pole top fixture, as
4 between it and the same pole; nor to any wire or cable between the
5 points where the same is made to leave any pole or fixture thereon for
6 the purpose of entering any building or other structure, and the point
7 of attachment to said building or structure; nor to any jumper wire or
8 cable carrying a current or connected with transformers or other
9 appliances on the same pole: PROVIDED FURTHER, That where said wire or
10 cable is run vertically, it shall be rigidly supported and where
11 possible run on the ends of the cross-arms.

12 Rule 3. No wire or cable carrying a current of more than seven
13 hundred fifty volts, and less than seventy-five hundred volts of
14 electricity, shall be run, placed, erected, maintained or used within
15 three feet of any wire or cable carrying a current of seven hundred
16 fifty volts or less of electricity; and no wire or cable carrying a
17 current of more than seventy-five hundred volts of electricity shall be
18 run, placed, erected, maintained, or used within seven feet of any wire
19 or cable carrying less than seventy-five hundred volts: PROVIDED, That
20 the foregoing provisions of this paragraph shall not apply to any wire
21 or cable within buildings or other structures; nor where the same are
22 run from under ground and placed vertically upon the pole; nor to any
23 service wire or cable where the same is made to leave any pole or
24 fixture thereon for the purpose of entering any building or other
25 structure, and the point of attachment to said building or structure;
26 nor to any jumper wire or cable carrying a current or connected with a
27 transformer or other appliance on the same pole: PROVIDED, That where
28 run vertically, wires or cables shall be rigidly supported, and where
29 possible run on the ends of the cross-arms: PROVIDED FURTHER, That as
30 between any two wires or cables mentioned in Rules 1, 2 and 3 of this
31 section, only the wires or cables last in point of time so run, placed,
32 erected or maintained, shall be held to be in violation of the
33 provisions thereof.

34 Rule 4. No wire or cable used for telephone, telegraph, district
35 messenger, or call bell circuit, fire or burglar alarm, or any other
36 similar system, shall be run, placed, erected, maintained or used on
37 any pole at a distance of less than three feet from any wire or cable
38 carrying a current of over three hundred volts of electricity; and in

1 all cases (except those mentioned in exceptions to Rules 1, 2 and 3)
2 where such wires or cables are run, above or below, or cross over or
3 under electric light or power wires, or a trolley wire, a suitable
4 method of construction, or insulation or protection to prevent contact
5 shall be maintained as between such wire or cable and such electric
6 light, power or trolley wire; and said methods of construction,
7 insulation or protection shall be installed by, or at the expense of
8 the person owning the wire last placed in point of time: PROVIDED,
9 That telephone, telegraph or signal wires or cables operated for
10 private use and not furnishing service to the public, may be placed
11 less than three feet from any line carrying a voltage of less than
12 seven hundred and fifty volts.

13 Rule 5. Transformers, either single or in bank, that exceed a
14 total capacity of over ten K.W. shall be supported by a double cross-
15 arm, or some fixture equally as strong. No transformer shall be
16 placed, erected, maintained or used on any cross-arm or other appliance
17 on a pole upon which is placed a series electric arc lamp or arc light:
18 PROVIDED, This shall not apply to a span wire supporting a lamp only.
19 All aerial and underground transformers used for low potential
20 distribution shall be subjected to an insulation test in accordance
21 with the standardized rules of the American Institute of Electrical
22 Engineers. In addition to this each transformer shall be tested at
23 rated line voltage prior to each installation and shall have attached
24 to it a tag showing the date on which the test was made, and the name
25 of the person making the test.

26 Rule 6. No wire or cable, other than ground wires, used to conduct
27 or carry electricity, shall be placed, run, erected, maintained or used
28 vertically on any pole without causing such wire or cable to be at all
29 times sufficiently insulated the full length thereof to insure the
30 protection of anyone coming in contact with said wire or cable.

31 Rule 7. The neutral point or wire of all transformer secondaries
32 strung or erected for use in low potential distributing systems shall
33 be grounded in all cases where the normal maximum difference of
34 potential between the ground and any point in the secondary circuit
35 will not exceed one hundred and fifty volts. When no neutral point or
36 wire is accessible one side of the secondary circuit shall be grounded
37 in the case of single phase transformers, and any one common point in
38 the case of interconnected polyphase bank or banks of transformers.

1 Where the maximum difference of potential between the ground and any
2 point in the secondary circuit will, when grounded, exceed one hundred
3 fifty volts, grounding shall be permitted. Such grounding shall be
4 done in the manner provided in Rule 30.

5 Rule 8. In all cases where a wire or cable larger than No. 14
6 B.W.G. originates or terminates on insulators attached to any pin or
7 other appliance, said wire or cable shall be attached to at least two
8 insulators: PROVIDED HOWEVER, That this section shall not apply to
9 service wires to buildings; nor to wires run vertically on a pole; nor
10 to wires originating or terminating on strain insulators or circuit
11 breakers; nor to telephone, telegraph or signal wires outside the
12 limits of any incorporated city or town.

13 Rule 9. Fixtures placed or erected for the support of wires on the
14 roofs of buildings shall be of sufficient strength to withstand all
15 strains to which they may be subjected, due to the breaking of all
16 wires on one side thereof, and except where insulated wires or cables
17 are held close to fire walls by straps or rings, shall be of such
18 height and so placed that all of the wires supported by such fixtures
19 shall be at least seven feet above any point of roofs less than one-
20 quarter pitch over which they pass or may be attached, and no roof
21 fixtures or wire shall be so placed that they will interfere with the
22 free passage of persons upon, over, to or from the roofs.

23 Rule 10. No guy wire or cable shall be placed, run, erected,
24 maintained or used within the incorporate limits of any city or town on
25 any pole or appliance to which is attached any wire or cable used to
26 conduct electricity without causing said guy wire or cable to be
27 efficiently insulated with circuit breakers at all times at a distance
28 of not less than eight feet nor more than ten feet measured along the
29 line of said guy wire or cable from each end thereof: PROVIDED, No
30 circuit breaker shall be required at the lower end of the guy wire or
31 cable where the same is attached to a ground anchor, nor shall any
32 circuit breaker be required where said guy wire or cable runs direct
33 from a grounded messenger wire to a grounded anchor rod.

34 Rule 11. In all span wires used for the purpose of supporting
35 trolley wires or series arc lamps there shall be at least two circuit
36 breakers, one of which shall at all times be maintained no less than
37 four feet nor more than six feet distant from the trolley wire or
38 series arc lamp, and in cases where the same is supported by a building

1 or metallic pole, the other circuit breaker shall be maintained at the
2 building or at the pole: PROVIDED, That in span wires which support
3 two or more trolley wires no circuit breaker shall be required in the
4 span wire between any two of the trolley wires: PROVIDED FURTHER, That
5 in span wires supporting trolley wires attached to wooden poles only
6 the circuit breaker adjacent to the trolley wire shall be required.

7 Rule 12. At all points where in case of a breakdown of trolley
8 span wires, the trolley wire would be liable to drop within seven feet
9 of the ground, there shall be double span wires and hangers placed at
10 such points.

11 Rule 13. All energized wires or appliances installed inside of any
12 building or vault, for the distribution of electrical energy, shall be
13 sufficiently insulated, or so guarded, located, or arranged as to
14 protect any person from injury.

15 Rule 14. The secondary circuit of current transformers, the
16 casings of all potential regulators and arc light transformers, all
17 metal frames of all switch boards, metal oil tanks used on oil switches
18 except where the tank is part of the conducting system, all motor and
19 generator frames, the entire frame of the crane and the tracks of all
20 traveling cranes and hoisting devices, shall be thoroughly grounded, as
21 provided in Rule 30.

22 Rule 15. All generators and motors having a potential of more than
23 three hundred volts shall be provided with a suitable insulated
24 platform or mat so arranged as to permit the attendant to stand upon
25 such platform or mat when working upon the live parts of such
26 generators or motors.

27 Rule 16. Suitable insulated platforms or mats shall be provided
28 for the use of all persons while working on any live part of
29 switchboards on which any wire or appliance carries a potential in
30 excess of three hundred volts.

31 Rule 17. Every generator, motor, transformer, switch or other
32 similar piece of apparatus and device used in the generation,
33 transmission or distribution of electrical energy in stations or
34 substations, shall be either provided with a name plate giving the
35 capacity in volts and amperes, or have this information stamped thereon
36 in such a manner as to be clearly legible.

37 Rule 18. When lines of seven hundred fifty volts or over are cut
38 out at the station or substation to allow employees to work upon them,

1 they shall be short-circuited and grounded at the station, and shall in
2 addition, if the line wires are bare, be short-circuited, and where
3 possible grounded at the place where the work is being done.

4 Rule 19. All switches installed with overload protection devices,
5 and all automatic overload circuit breakers must have the trip coils so
6 adjusted as to afford complete protection against overloads and short
7 circuits, and the same must be so arranged that no pole can be opened
8 manually without opening all the poles, and the trip coils shall be
9 instantly operative upon closing.

10 Rule 20. All feeders for electric railways must, before leaving
11 the plant or substation, be protected by an approved circuit breaker
12 which will cut off the circuit in case of an accidental ground or short
13 circuit.

14 Rule 21. There shall be provided in all distributing stations a
15 ground detecting device.

16 Rule 22. There shall be provided in all stations, plants, and
17 buildings herein specified warning cards printed on red cardboard not
18 less than two and one-quarter by four and one-half inches in size,
19 which shall be attached to all switches opened for the purpose of
20 (~~linemen~~) lineworkers or other employees working on the wires. The
21 person opening any line switch shall enter upon said card the name of
22 the person ordering the switch opened, the time opened, the time line
23 was reported clear and by whom, and shall sign his own name.

24 Rule 23. No manhole containing any wire carrying a current of over
25 three hundred volts shall be less than six feet from floor to inside of
26 roof; if circular in shape it shall not be less than six feet in
27 diameter; if square it shall be six feet from wall to wall: PROVIDED
28 HOWEVER, That this paragraph shall not apply to any manhole in which it
29 shall not be required that any person enter to perform work: PROVIDED
30 FURTHER, That the foregoing provisions of this paragraph shall not
31 apply where satisfactory proof shall be submitted to the proper
32 authorities that it is impracticable or physically impossible to comply
33 with this law within the space or location designated by the proper
34 authorities.

35 Rule 24. All manholes containing any wires or appliances carrying
36 electrical current shall be kept in a sanitary condition, free from
37 stagnant water or seepage or other drainage which is offensive or

1 dangerous to health, either by sewer connection or otherwise, while any
2 person is working in the same.

3 Rule 25. No manhole shall have an opening to the outer air of less
4 than twenty-six inches in diameter, and the cover of same shall be
5 provided with vent hole or holes equivalent to three square inches in
6 area.

7 Rule 26. No manhole shall have an opening which is, at the surface
8 of the ground, within a distance of three feet at any point from any
9 rail of any railway or street car track: PROVIDED, That this shall not
10 apply where satisfactory proof shall be submitted to the proper
11 authorities that it is impracticable or physically impossible to comply
12 with the provisions of this paragraph: PROVIDED, That in complying
13 with the provisions of this rule only the construction last in point of
14 time performed, placed or erected shall be held to be in violation
15 thereof.

16 Rule 27. Whenever persons are working in any manhole whose opening
17 to the outer air is less than three feet from the rail of any railway
18 or street car track, a ((~~watchman~~)) watchperson or attendant shall be
19 stationed on the surface at the entrance of such manhole at all times
20 while work is being performed therein.

21 Rule 28. All persons employed in manholes shall be furnished with
22 insulated platforms so as to protect the workers while at work in the
23 manholes: PROVIDED, That this paragraph shall not apply to manholes
24 containing only telephone, telegraph or signal wires or cables.

25 Rule 29. No work shall be permitted to be done on any live wire,
26 cable or appliance carrying more than seven hundred fifty volts of
27 electricity by less than two competent and experienced persons, who, at
28 all times while performing such work shall be in the same room,
29 chamber, manhole or other place in which, or on the same pole on which,
30 such work is being done: PROVIDED, That in districts where only one
31 competent and experienced person is regularly employed, and a second
32 competent and experienced person cannot be obtained without delay at
33 prevailing rate of pay in said district, such work shall be permitted
34 to be done by one competent and experienced person and a helper who
35 need not be on the same pole on which said work is being done.

36 No work shall be permitted to be done in any manhole or subway on
37 any live wire, cable or appliance carrying more than three hundred

1 volts of electricity by less than two competent and experienced
2 persons, who at all times while performing such work shall be in the
3 same manhole or subway in which such work is being done.

4 Rule 30. The grounding provided for in these rules shall be done
5 in the following manner: By connecting a wire or wires not less than
6 No. 6 B.&S. gauge to a water pipe of a metallic system outside of the
7 meter, if there is one, or to a copper plate one-sixteenth inch thick
8 and not less than three feet by six feet area buried in coke below the
9 permanent moisture level, or to other device equally as efficient. The
10 ground wire or wires of a direct current system of three or more wires
11 shall not be smaller than the neutral wire at the central station, and
12 not smaller than a No. 6 B.&S. gauge elsewhere: PROVIDED, That the
13 maximum cross section area of any ground wire or wires at the central
14 station need not exceed one million circular mils. The ground wires
15 shall be carried in as nearly a straight line as possible, and kinks,
16 coils and short bends shall be avoided: PROVIDED, That the provisions
17 of this rule shall not apply as to size to ground wires run from
18 instrument transformers or meters.

19 **Sec. 82.** RCW 22.09.860 and 1963 c 124 s 27 are each amended to
20 read as follows:

21 All railroad companies and (~~warehousemen~~) warehouse workers
22 operating in the cities provided for inspection by this chapter shall
23 furnish ample and sufficient police protection to all their several
24 terminal yards and terminal tracks to securely protect all cars
25 containing commodities while the same are in their possession. They
26 shall prohibit and restrain all unauthorized persons, whether under the
27 guise of sweepers, or under any other pretext whatever, from entering
28 or loitering in or about their railroad yards or tracks and from
29 entering any car of commodities under their control, or removing
30 commodities therefrom, and shall employ and detail such number of
31 (~~watchmen~~) watchpersons as may be necessary for the purpose of
32 carrying out the provisions of this section.

33 **Sec. 83.** RCW 81.40.095 and 1961 c 14 s 81.40.095 are each amended
34 to read as follows:

35 The utilities and transportation commission shall adopt and enforce
36 rules and regulations relating to sanitation and adequate shelter as it

1 affects the health of all railroad employees, including but not limited
2 to railroad (~~(trainmen, enginemen, yardmen)~~) workers, maintenance of
3 way employees, highway crossing (~~(watchmen)~~) watchpersons, clerical,
4 platform, freight house and express employees.

5 **Sec. 84.** RCW 19.28.261 and 2003 c 399 s 302 are each amended to
6 read as follows:

7 (1) Nothing in RCW 19.28.161 through 19.28.271 shall be construed
8 to require that a person obtain a license or a certified electrician in
9 order to do electrical work at his or her residence or farm or place of
10 business or on other property owned by him or her unless the electrical
11 work is on the construction of a new building intended for rent, sale,
12 or lease. However, if the construction is of a new residential
13 building with up to four units intended for rent, sale, or lease, the
14 owner may receive an exemption from the requirement to obtain a license
15 or use a certified electrician if he or she provides a signed affidavit
16 to the department stating that he or she will be performing the work
17 and will occupy one of the units as his or her principal residence.
18 The owner shall apply to the department for this exemption and may only
19 receive an exemption once every twenty-four months. It is intended
20 that the owner receiving this exemption shall occupy the unit as his or
21 her principal residence for twenty-four months after completion of the
22 units.

23 (2) Nothing in RCW 19.28.161 through 19.28.271 shall be intended to
24 derogate from or dispense with the requirements of any valid electrical
25 code enacted by a city or town pursuant to RCW 19.28.010(3), except
26 that no code shall require the holder of a certificate of competency to
27 demonstrate any additional proof of competency or obtain any other
28 license or pay any fee in order to engage in the electrical
29 construction trade.

30 (3) RCW 19.28.161 through 19.28.271 shall not apply to common
31 carriers subject to Part I of the Interstate Commerce Act, nor to their
32 officers and employees.

33 (4) Nothing in RCW 19.28.161 through 19.28.271 shall be deemed to
34 apply to the installation or maintenance of telephone, telegraph,
35 radio, or television wires and equipment; nor to any electrical utility
36 or its employees in the installation, repair, and maintenance of

1 electrical wiring, circuits, and equipment by or for the utility, or
2 comprising a part of its plants, lines or systems.

3 (5) The licensing provisions of RCW 19.28.161 through 19.28.271
4 shall not apply to:

5 (a) Persons making electrical installations on their own property
6 or to regularly employed employees working on the premises of their
7 employer, unless the electrical work is on the construction of a new
8 building intended for rent, sale, or lease;

9 (b) Employees of an employer while the employer is performing
10 utility type work of the nature described in RCW 19.28.091 so long as
11 such employees have registered in the state of Washington with or
12 graduated from a state-approved outside (~~lineman~~) lineworker
13 apprenticeship course that is recognized by the department and that
14 qualifies a person to perform such work;

15 (c) Any work exempted under RCW 19.28.091(6); and

16 (d) Certified plumbers, certified residential plumbers, or plumber
17 trainees meeting the requirements of chapter 18.106 RCW and performing
18 exempt work under RCW 19.28.091(8).

19 (6) Nothing in RCW 19.28.161 through 19.28.271 shall be construed
20 to restrict the right of any householder to assist or receive
21 assistance from a friend, neighbor, relative or other person when none
22 of the individuals doing the electrical installation hold themselves
23 out as engaged in the trade or business of electrical installations.

24 (7) Nothing precludes any person who is exempt from the licensing
25 requirements of this chapter under this section from obtaining a
26 journeyman or specialty certificate of competency if they otherwise
27 meet the requirements of this chapter.

28 **Sec. 85.** RCW 19.28.321 and 2001 c 211 s 21 are each amended to
29 read as follows:

30 The director of labor and industries of the state of Washington and
31 the officials of all incorporated cities and towns where electrical
32 inspections are required by local ordinances shall have power and it
33 shall be their duty to enforce the provisions of this chapter in their
34 respective jurisdictions. The director of labor and industries shall
35 appoint a chief electrical inspector and may appoint other electrical
36 inspectors as the director deems necessary to assist the director in
37 the performance of the director's duties. The chief electrical

1 inspector, subject to the review of the director, shall be responsible
2 for providing the final interpretation of adopted state electrical
3 standards, rules, and policies for the department and its inspectors,
4 assistant inspectors, electrical plan examiners, and other individuals
5 supervising electrical program personnel. If a dispute arises within
6 the department regarding the interpretation of adopted state electrical
7 standards, rules, or policies, the chief electrical inspector, subject
8 to the review of the director, shall provide the final interpretation
9 of the disputed standard, rule, or policy. All electrical inspectors
10 appointed by the director of labor and industries shall have not less
11 than: Four years experience as (~~journeyman~~) journeyperson
12 electricians in the electrical construction trade installing and
13 maintaining electrical wiring and equipment, or two years electrical
14 training in a college of electrical engineering of recognized standing
15 and four years continuous practical electrical experience in
16 installation work, or four years of electrical training in a college of
17 electrical engineering of recognized standing and two years continuous
18 practical electrical experience in electrical installation work; or
19 four years experience as a (~~journeyman~~) journeyperson electrician
20 performing the duties of an electrical inspector employed by the
21 department or a city or town with an approved inspection program under
22 RCW 19.28.141, except that for work performed in accordance with the
23 national electrical safety code and covered by this chapter, such
24 inspections may be performed by a person certified as an outside
25 (~~journeyman—lineman~~) journeyperson lineworker, under RCW
26 19.28.261(~~(+2)~~) (5)(b), with four years experience or a person with
27 four years experience as a certified outside (~~journeyman—lineman~~)
28 journeyperson lineworker performing the duties of an electrical
29 inspector employed by an electrical utility. Such state inspectors
30 shall be paid such salary as the director of labor and industries shall
31 determine, together with their travel expenses in accordance with RCW
32 43.03.050 and 43.03.060 as now existing or hereafter amended. As a
33 condition of employment, inspectors hired exclusively to perform
34 inspections in accordance with the national electrical safety code must
35 possess and maintain certification as an outside (~~journeyman—lineman~~)
36 journeyperson lineworker. The expenses of the director of labor and
37 industries and the salaries and expenses of state inspectors incurred

1 in carrying out the provisions of this chapter shall be paid entirely
2 out of the electrical license fund, upon vouchers approved by the
3 director of labor and industries.

4 **Sec. 86.** RCW 50.04.240 and 1945 c 35 s 25 are each amended to read
5 as follows:

6 The term "employment" shall not include service as a ((newsboy))
7 newspaper delivery person selling or distributing newspapers on the
8 street or from house to house.

9 NEW SECTION. **Sec. 87.** The code reviser must recommend legislation
10 correcting gender-specific references in all existing statutes by
11 December 1, 2007, and advise the legislature of gender-specific
12 language changes that would result in substantive changes to the law."

SB 5063 - S AMD

By Senators Kohl-Welles, Clements

ADOPTED 02/16/2007

13 On page 1, line 1 of the title, after "references;" strike the
14 remainder of the title and insert "amending RCW 41.08.020, 41.08.030,
15 41.08.075, 41.08.080, 41.08.090, 41.08.100, 41.08.150, 41.08.220,
16 41.12.020, 41.12.030, 41.12.075, 41.12.080, 41.12.090, 41.12.100,
17 41.12.150, 41.12.220, 41.16.010, 41.16.020, 41.16.030, 41.16.040,
18 41.16.050, 41.16.070, 41.16.080, 41.16.100, 41.16.110, 41.16.120,
19 41.16.130, 41.16.140, 41.16.145, 41.16.150, 41.16.160, 41.16.170,
20 41.16.180, 41.16.190, 41.16.200, 41.16.210, 41.16.220, 41.16.230,
21 41.16.250, 41.18.010, 41.18.015, 41.18.020, 41.18.030, 41.18.040,
22 41.18.045, 41.18.050, 41.18.060, 41.18.080, 41.18.090, 41.18.100,
23 41.18.102, 41.18.130, 41.18.140, 41.18.150, 41.18.160, 41.18.165,
24 41.18.170, 41.18.180, 41.18.190, 41.18.210, 9.40.130, 9A.48.020,
25 19.09.100, 35.17.100, 35A.11.020, 35.27.240, 35.66.040, 35.75.050,
26 35.88.020, 41.44.060, 41.48.030, 46.37.185, 81.28.080, 35.23.121,
27 35.27.220, 59.12.110, 82.38.230, 87.03.020, 87.84.020, 19.29.010,
28 22.09.860, 81.40.095, 19.28.261, 19.28.321, and 50.04.240; and creating

1 new sections."

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